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THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume VII, 1933**

*(15th September to 21st September, 1933)*

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**SIXTH SESSION**

**OF THE**

**FOURTH LEGISLATIVE ASSEMBLY,  
1933**



NEW DELHI  
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1934



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# Legislative Assembly.

## *President:*

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

## *Deputy President:*

MR. ABDUL MATIN CHAUDHURY, M.L.A.

## *Panel of Chairmen:*

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MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

## *Secretary:*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistant of the Secretary:*

RAI BAHADUR D. DUTT.

## *Marshal:*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Public Petitions:*

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

SIR LESLIE HUDSON, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.



# CONTENTS.

VOLUME VII.—15th September to 21st September, 1933.

	PAGES.
<b>FRIDAY, 15TH SEPTEMBER, 1933—</b>	
Member Sworn . . . . .	1589
Cancellation of the Evening Party in honour of the Members of the Central Legislature . . . . .	1589
Questions and Answers . . . . .	1589—1612
Message from the Council of State . . . . .	1612
Statement laid on the Table . . . . .	1612
Statement of Business . . . . .	1613
The Indian Tea Control Bill—Passed as amended . . . . .	1613—27
The Factories Bill—Referred to Select Committee . . . . .	1627—47
The Hedjaz Pilgrims ( <i>Muallims</i> ) Bill—Discussion on the motion to recommit to Select Committee not concluded. . . . .	1647—56
<b>SATURDAY, 16TH SEPTEMBER, 1933—</b>	
Questions and Answers . . . . .	1657—76
Unstarred Questions and Answers . . . . .	1676—90
Short Notice Questions and Answers . . . . .	1690—92
Election of Members to the Salt Industry Committee . . . . .	1692
Ruling as to whether a Member of the Executive Council of the Governor General who is not a Member of the Assembly has the right of raising a Point of Order on the floor of the House . . . . .	1692—93
Statement laid on the Table . . . . .	1693
The Hedjaz Pilgrims ( <i>Muallims</i> ) Bill—Recommended to Select Committee . . . . .	1693—1711
The Negotiable Instruments (Amendment) Bill—Referred to Select Committee . . . . .	1712—14
The Indian Arbitration (Amendment) Bill—Passed . . . . .	1714—15
The Cantonments (House-Accommodation Amendment) Bill—Passed . . . . .	1715—17
The Dangerous Drugs (Amendment) Bill—Passed . . . . .	1717—18
Motion <i>re</i> Future Administration of Aden—Discussion not concluded . . . . .	1718—38

	PAGES.
<b>MONDAY, 18TH SEPTEMBER, 1933—</b>	
Questions and Answers . . . . .	1739—53
Short Notice Question and Answer . . . . .	1754
Unstarred Questions and Answers . . . . .	1754—65
Messages from the Council of State . . . . .	1765
Statements laid on the Table . . . . .	1765—71
The Indian Dock Labourers Bill—Introduced . . . . .	1771
The Reserve Bank of India Bill—Nomination of Members of the Legislative Assembly to the Joint Committee . . . . .	1771
The Imperial Bank of India (Amendment) Bill—Nomination of Members of the Legislative Assembly to the Joint Committee . . . . .	1771—72
Motion <i>re</i> Future Administration of Aden—Adopted as amended . . . . .	1772—1820
<b>WEDNESDAY, 20TH SEPTEMBER, 1933—</b>	
Questions and Answers . . . . .	1821—42
Unstarred Questions and Answers . . . . .	1842—60
Messages from the Council of State . . . . .	1860—61
Death of Mr. B. N. Misra . . . . .	1861—65
Motion <i>re</i> Dues in respect of Lighthouses and Buoy in British India—Adopted . . . . .	1865
The Indian Medical Council Bill—Passed as amended . . . . .	1865—85
Resolution <i>re</i> Draft Convention and Recommendation concerning the Age for Admission of Children to Non-Industrial Employment—Adopted . . . . .	1885—96
Resolution <i>re</i> Amendment of Rule relating to the Constitution of the Committee on Public Accounts—Adopted . . . . .	1896—97
Demand for Supplementary Grant . . . . .	1897—1908
Report of the Public Accounts Committee . . . . .	1908—15
<b>THURSDAY, 21ST SEPTEMBER, 1933—</b>	
Message from the Council of State . . . . .	1917
Death of Mrs. Annie Besant . . . . .	1917—20
Report of the Public Accounts Committee . . . . .	1920—27





## CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1933—

(1) Vol. V, No. 2, dated the 23rd August, 1933, page 154, line 20, for "secure" read "censure".

(2) Vol. V, No. 5, dated the 29th August, 1933, page 342, last line, for "Gofernment" read "Government".

(3) Vol. V, No. 9, dated the 4th September, 1933—

(i) page 760, line 14, for "Seven—one five years" read "Seven—one over five years".

(ii) page 767, in the subject-heading to starred question No. 586, for "on" read "of".

(iii) page 787, line 21, for the words "one of the two two persons" read "one of the two persons".

(iv) page 788, for the subject-heading to the Statement laid on the table in answer to starred question No. 838, substitute "Disability Pension to Discharged Military Men".

(v) page 788, from the subject-heading to the Statement laid on the table in answer to starred question No. 931, delete the words "the Royal Army Medical Corps and".

(vi) page 796, line 3, for "\*426. (a) to (k)" read "\*246. (a) to (k)".

(vii) page 810, line 9, for "War Research" read "War Reserves".

(viii) page 872, line 5, for "Halzais" read "Halimzais".

(4) Vol. VI, No. 2, dated the 6th September, 1933, pages 1055-77, in the subject-headings to the Cotton Textile Industry Protection (Amendment) Bill, for "Amendment" read "Second Amendment".

(5) Vol. VI, No. 4, dated the 8th September, 1933, page 1220, line 10, for "Muhammadan" read "Muhammad".

(6) Vol. VI, No. 7, dated the 12th September, 1933—

(i) page 1366, line 3 from the bottom, for "regert" read "regret".

(ii) page 1409, line 20, for "disgested" read "digested".

(iii) page 1424, line 2, for "risk" read "risky".

(iv) page 1431, lines 19 and 20, for "Mr. K. C. Neogy..... resumed the Chair.] " read "Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : We all welcome it."

(7) Vol. VI, No. 8, dated the 13th September, 1933—

(i) page 1483, line 18, for "directly" read "direct".

(ii) page 1484, last line, for "No. 99" read "No. 78".

(8) Vol. VII, No. 3, dated the 18th September, 1933, page 1754, lines 9 and 10, for "high-handness" read "high-handedness".

(9) Vol. VII, No. 4, dated the 20th September, 1933, page 1822, in the subject-heading to starred question No. 1022, for "Non-Hindus" read "Non-Muslims".



## LEGISLATIVE ASSEMBLY.

*Friday, 15th September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### MEMBER SWORN.

Major W. K. Fraser-Tytler, C.M.G., M.C., M.L.A., (Foreign Secretary).

### CANCELLATION OF THE EVENING PARTY IN HONOUR OF THE MEMBERS OF THE CENTRAL LEGISLATURE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform Honourable Members that His Majesty the King has commanded that flags will be flown at half mast on all the Government buildings throughout India today as a mark of respect on the occasion of the funeral of His Majesty the late King Feisal of Iraq. On account of this reason, Their Excellencies the Viceroy and Countess of Willingdon have asked me to convey to the Honourable Members that they have to regretfully cancel the Evening Party which was to have been held this evening in honour of the Members of the Central Legislature.

### QUESTIONS AND ANSWERS.

#### REPRESENTATION FOR THE POSTPONEMENT OF THE AUTUMN SESSION OF THE LEGISLATIVE ASSEMBLY.

933. \***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether any representation was made to them by Sir Hari Sing Gour, Leader of the Opposition, to postpone the autumn Session of the Assembly to October to enable him and other Members, who as delegates to the Joint Select Committee are in London, to partake in its deliberations ?

(b) What are the reasons for which the representation was turned down ?

(c) Are Government aware of the view held by some people that opportunity has been taken to keep them off their opposition to important measures which the present Session is likely to deal with ?

**The Honourable Sir Joseph Bhoré** : The attention of the Honourable Member is invited to my reply to Mr. Gaya Prasad Singh's question No. 93, asked on the 28th August, 1933. I have nothing further to add.

( 1589 )

**EMPLOYMENT OF STATES SUBJECTS UNDER THE GOVERNMENT OF INDIA.**

934. \***Mr. K. P. Thampan** : Will Government be pleased to state :

- (a) whether it is a fact that a Christian candidate, who was the subject of an Indian State and stood very much below in rank in the results of the competitive examination held in last November for the recruitment of clerks in the Secretariat, was appointed in preference to a very large number of other candidates who did better in the examination ;
- (b) if they are aware that the Indian States, such as Mysore, Travancore and Cochin, preclude British Indian subjects from entering their services ;
- (c) whether they have considered the question of debarring States subjects from subordinate services under the Government of India ; and
- (d) whether they have any definite policy in regard to this subject ; if so, what it is ?

**The Honourable Sir Harry Haig** : (a) Yes. This was done in order to redress communal inequalities by securing the appointment of a member of the Indian Christian community.

(b) I am obtaining the information and will lay it on the table in due course.

(c) and (d). I would invite attention to the reply I gave on the 25th February, 1933, to part (b) of starred question No. 516 and to paragraph 4 of the Home Department Resolution No. 1093 (Establishments), dated the 10th May, 1921, a copy of which is in the Library.

**Mr. K. P. Thampan** : Arising out of answer to part (a), I would like to know whether the Government think that the Christian community in Travancore and Cochin, from where, I understand, this particular candidate was recruited, is either a minority or a backward community ? So far as I know, from the population point of view, they are strong, they are wealthy and well educated, and in those States they are not a minority community. Under the circumstances, is there any justification for treating that candidate as one belonging to the minority classes and entitled to special privileges ?

**The Honourable Sir Harry Haig** : Sir, the candidate was appointed, not because he belonged to the Indian Christian community of Travancore, but because he was an Indian Christian, and some department, taking account of the communal composition of its staff, required an Indian Christian.

**Mr. B. Das** : If the Government of India encourage the Christian subjects of Indian States to get jobs in the Secretariat, what will happen to the Indian Christian community that live in British India ?

**The Honourable Sir Harry Haig** : I do not think that there is any question of encouragement of subjects of Indian States. But this candidate happened to stand on the list in such a place that, when an Indian Christian was required, he was taken.

**Mr. B. Das** : May I enquire what will be the condition after the Federation ? Will the subjects of Indian States compete for the loaves and fishes of the British Indian provinces ?

**The Honourable Sir Harry Haig :** Well, Sir, hitherto our policy has been not to bar the subjects of Indian States entering our services.

**Mr. K. P. Thampan :** There are only very few appointments in the Secretariat and it is the legitimate right and prerogative of the British Indian subjects of His Majesty the King Emperor to get employment in the Central and Provincial Secretariats and other offices in British India. Why should people, who owe their allegiance to Indian States, be imported to those offices ? Is it not a great injustice and hardship to His Majesty's British Indian subjects ?

**The Honourable Sir Harry Haig :** I notice that the Honourable Member, in one part of his question, to which, I am afraid, I was not able to give an answer, has raised the question whether certain Indian States preclude British Indian subjects from entering their service.

**Mr. K. P. Thampan :** They do, I know.

**The Honourable Sir Harry Haig :** I think that might be a relevant point in considering our policy. I cannot at the moment say more than that.

**Dr. Ziauddin Ahmad :** May I ask, will the Government of India consider the question whether the subjects of all those States, which do not recruit British Indians in their offices, should be excluded from employment in British India ?

**The Honourable Sir Harry Haig :** Well, Sir, I was saying that that might be a relevant consideration which we would take up when we have got the information.

**Mr. K. P. Thampan :** Will the Government issue orders advising the several departments under them not to enlist hereafter at any rate the subjects of those Indian States which debar British Indian subjects from their service ?

**The Honourable Sir Harry Haig :** I have already undertaken that when information is available we will look into the whole matter.

**Mr. K. P. Thampan :** Thank you.

#### INDIANISATION OF THE CENTRAL CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

935. **\*Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state what steps, if any, have been taken to Indianise the Central Cypher Bureau of the Foreign and Political Department ? Is it not a fact that pledges in this respect were given some years ago ? If no steps have been taken, will Government please state the cause of the delay ?

(b) Is it a fact that the typing and despatching section of the above Bureau does not contain any Indian ?

(c) Is it a fact that the duties of the typing and despatching staff of the above Bureau who are routine division clerks are typing and despatching of cypher telegrams after they have been paraphrased, and that they are not required to handle the codes ?

(d) Is it a fact that there are in the other sections of the Foreign and Political Department Secretariat Assistants and clerks who have a good knowledge and experience of cypher work and whose services have been requisitioned for such work in leave vacancies and who are also requisitioned in times of stress ?

(e) If the reply to part (a) be in the negative and that to parts (b), (c) and (d) in the affirmative, do Government propose to take steps to appoint Indians forthwith to the typing and despatching section of the above Bureau by the transfer of permanent and qualified clerks from the Issue Branch of the Foreign and Political Department, their places being taken by the present staff of the typing section of the above Bureau ? If not, why not ?

(f) Will Government please state whether they are prepared to fill the appointments in the typing and despatching section of the above Bureau in future through the Public Service Commission from amongst the candidates at their competitive examinations ? If not, why not ?

**Major W. K. Fraser-Tytler :** (a) Negotiations are in progress with His Majesty's Government in regard to the Indianisation of the Central Cypher Bureau. It is I regret to say impossible for me to divulge the nature of these negotiations which are of a highly confidential nature, but I can assure the Honourable Member that every effort is being made to open the Bureau as soon as possible to Indians.

(b) Yes.

(c) The typing and despatching staff are expected to familiarise themselves with the working of the cyphers in order to help the cypher-ing staff when work is heavy.

(d) At the present time there is only one such clerk who has a competent knowledge of cypher work working in a different section of the Foreign and Political Department Secretariat and he is now actually employed in the cypher bureau in a vacancy caused by sickness. His availability in times of pressure would depend on the state of work in his own branch.

(e) Until the negotiations referred to in the answer to (a) above are complete it will not be possible to take the action suggested by the Honourable Member.

(f) As soon as the negotiations referred to in (a) above are complete there will be no difficulty in appointing men to the typing and despatching section through the Public Service Commission when vacancies occur.

**Mr. Gaya Parasad Singh :** Is it a fact that Anglo-Indians are appointed in the Cypher Bureau without having to pass through the Public Service Commission ?

**Major W. K. Fraser-Tytler :** Yes, it is.

**Mr. B. V. Jadhav :** May I know whether the Honourable Members of the Executive Council know these cyphers ?

**The Honourable Sir Joseph Bhoré :** They do not know.

**Mr. K. P. Thampan :** May I ask how many cyphers are there besides the London Foreign Office cypher ?

**Major W. K. Fraser-Tytler :** I am afraid I could not give an answer offhand, but I should think there are 9 or 10 probably.

**Mr. K. P. Thampan :** What objection is there to employing Indians in the other cypher branches besides that of the British Foreign Office cypher ?

**Major W. K. Fraser-Tytler :** I think the difficulty there is that these cypher clerks take their work in order, that is to say, any clerk at any time may be required to use the Foreign Office cypher, and I do not think it would be possible to have a separate bureau for cyphers that are not in use in the London Foreign Office.

**Mr. B. R. Puri :** Does the Foreign and Political Department Code stand on a different footing from the other Codes, assuming that there are other Codes ?

**Major W. K. Fraser-Tytler :** The position is that there are certain Codes which are not ours and those Codes are governed by rules which are not ours either and up to now we have had to follow these rules, but Government recognise that these are very objectionable in certain circumstances to Indian sentiment. These are the rules which we are now altering and I can assure the Honourable Member and the House that Government have every sympathy with the point of view which has been expressed both now and before in this House on this subject.

**Mr. B. R. Puri :** So far as this particular Code is concerned, it may be that the Government of India are not directly responsible for it, but what about other Codes, for the decoding of which Indians have not been employed ?

**Major W. K. Fraser-Tytler :** The point there is that we should then have a separate Bureau which would be an extra expense. We will have to have separate people to use the Foreign Office Codes and a separate set of people to use Codes which are purely internal. That would add to the expense and I do not think it would conduce to practical working.

**Mr. B. R. Puri :** Is there any rule which debar the Indians for employment in the Cypher Bureau relating to the Foreign and Political Department ?

**Major W. K. Fraser-Tytler :** The Cypher Bureau is a Central Cypher Bureau. It does not relate to the Foreign and Political Department alone.

**Mr. B. R. Puri :** Am I right in assuming that there is some rule or regulation issued by the London Office, that none but British subjects should be allowed to handle the Codes which relate to their Department.

**Major W. K. Fraser-Tytler :** I am afraid it will not be in the public interest to disclose what the actual rules are. They were issued by the London Foreign Office. They are pretty obvious and Honourable Members can draw their own inference as to what they are. As I said before, we are doing our best to remove them and they will be removed before very long.

**Mr. B. R. Puri :** Assuming that there exists a rule which ignores the claim of Indians as such, may I know on what basis and on what principles those who are not British subjects are qualified for employment in that class of job, namely, Anglo-Indians ?



**Major W. K. Fraser-Tytler :** There, again, the Honourable Member is referring to rules which are, I am afraid, confidential and which I cannot divulge.

**Mr. B. R. Puri :** May I know, if Anglo-Indians stand on a better footing than Indians ?

**Major W. K. Fraser-Tytler :** So far as the Government of India are concerned, certainly not.

**Mr. B. R. Puri :** So far as the Government of India are concerned, there ought to be no differentiation so far as their employment in the Cypher Bureau is concerned ?

**Major W. K. Fraser-Tytler :** Certainly.

**Mr. B. R. Puri :** Have the Government of India taken any steps to have this injustice remedied very expeditiously ?

**Major W. K. Fraser-Tytler :** That is just what I have been saying. We have taken and are taking steps and I hope that those negotiations which are going on will be complete inside the next twelve months.

**Mr. B. R. Puri :** Are the Government of India aware that apart from Anglo-Indians there are some Goanese actually carrying on work in the Cypher Branch of the Foreign and Political Department ?

**Major W. K. Fraser-Tytler :** I do not think there is anybody in the Cypher Bureau who is not a British subject.

**Mr. B. R. Puri :** Are the Government of India aware that most of the present personnel, who handle the Foreign and Political Department Code, has got complexions as bright as Mr. Kabeer-ud-Din Ahmed ? (Laughter.)

**Major W. K. Fraser-Tytler :** I have not studied their complexion.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if any law or any rule can be confidential ?

**Major W. K. Fraser-Tytler :** Rules of this nature are confidential.

**Mr. Lalchand Navalrai :** Is it under any law that these rules have been made ?

**Major W. K. Fraser-Tytler :** I do not think so.

**Mr. Lalchand Navalrai :** Is it a departmental rule ?

**Major W. K. Fraser-Tytler :** It is a rule of the London Foreign Office, and in respect of the Codes, which belong to the London Foreign Office, the person who owns the Code is at liberty to make certain rules regarding the way that Code should be used.

**Mr. B. R. Puri :** I trust that the Government of India are not of the opinion that Indians as such cannot be trusted ?

**Major W. K. Fraser-Tytler :** That is so.

**Mr. K. P. Thampan :** Is it not a fact that Indians handle all the confidential files before and after the issue of the telegrams in cypher on their files.

**Major W. K. Fraser-Tytler :** I cannot hear the Honourable Member.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Honourable Members must speak up.

**Mr. K. P. Thampan** : Is it not a fact that Indians alone handle all the confidential files before and after the issue of the telegrams in cypher ?

**Major W. K. Fraser-Tytler** : I would not say Indians alone. There are Anglo-Indians as well.

**Mr. K. P. Thampan** : If all classes of Indians, other than Christians and Anglo-Indians, are handling those files, and are deemed to be trustworthy, where is the necessity to confine the Cypher Department to the Anglo-Indians alone ?

**Major W. K. Fraser-Tytler** : As I have already said, certain of these Codes which we use are governed by certain rules which are not ours.

**Mr. K. P. Thampan** : Are the Government aware that these clerks are heavily involved and are often taking advances of pay from office ?

**Major W. K. Fraser-Tytler** : I would ask you, Sir, whether that question arises out of the main question.

**Mr. President** : (The Honourable Sir Shanmukham Chetty) : How does that question arise out of this ?

**Mr. K. P. Thampan** : Because if people are in financial difficulties and have decrees against them, as I understand is the case with these people, they are liable to temptation and not trustworthy.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Is it the Honourable Member's point that they are enjoying special prerogatives and Government are at their mercy and they have to keep them in their posts by giving advances of pay ?

**Mr. K. P. Thampan** : It might or might not be that.

**Dr. Ziauddin Ahmad** : Is it not desirable that these people should be above temptation ?

**Major W. K. Fraser-Tytler** : I entirely agree.

**Dr. Ziauddin Ahmad** : May I know when vacancies are likely to occur in the Central Cypher Bureau ?

**Major W. K. Fraser-Tytler** : Not for several years, but in the typing and despatching section there would probably be three or four fairly soon, though I am not quite certain on this point.

**Dr. Ziauddin Ahmad** : You said you would take action within 12 months and now you say several years ?

**Major W. K. Fraser-Tytler** : My point is that within 12 months, I hope, the orders, which at present exist, will be repealed. Then there will be no objection to Indians being employed, but they cannot be employed unless there are vacancies.

**Mr. Gaya Prasad Singh** : Is it a fact that an Anglo-Indian lady typist has been confirmed within the last two weeks or so ?

**Major W. K. Fraser-Tytler** : I have no information on that point.

GOVERNMENT OF INDIA DEPARTMENTS WITH NO SIKHS, INDIAN CHRISTIANS,  
DEPRESSED CLASSES AND PARSIS.

936. \***Rao Bahadur M. C. Rajah** : (a) Will Government be pleased to state the names of the Department of the Government of India (including the Army Department and Branches of the Army Headquarters) in which no Sikhs, Indian Christians, Depressed Classes and Parsis have so far been appointed ?

(b) Do Government propose to appoint them in future vacancies ? If not, why not ?

**The Honourable Sir Harry Haig** : (a) A statement containing the information available is laid on the table. I regret that information regarding the depressed classes is not in my possession.

(b) The policy of the Government of India in regard to the redress of communal inequalities in the public services is stated in the Home Department Office Memorandum No. F. 176/25-Ests., dated the 5th February, 1926, a copy of which is available in the Library. I would add that it is impossible to secure the representation of all minority communities in offices the staff of which is small.

*Statement showing the names of the Departments of the Government of India and the Branches of Army Headquarters in which no Sikhs, Indian Christians or Parsis were employed on 31st December, 1932.*

*Sikhs.*

1. Office of the Assistant Military Secretary (Personal).
2. Contracts Directorate.
3. General Staff Branch.
4. Judge Advocate General's Branch.

*Indian Christians.*

1. Imperial Council of Agricultural Research Department.
2. Office of the Assistant Military Secretary (Personal).
3. Engineer-in-Chief's Branch.
4. Judge Advocate General's Branch.
5. Medical Directorate.
5. Military Secretary's Branch.

*Parsis.*

1. Army Department.
2. Commerce Department.
3. Finance Department.
4. Foreign and Political Department.
5. Home Department.
6. Imperial Council of Agricultural Research Department.
7. Industries and Labour Department.
8. Legislative Department.
9. Office of the Financial Adviser, Military Finance.
10. Adjutant General's Branch.
11. Office of the Assistant Military Secretary (Personal).
12. Contracts Directorate.
13. General Staff Branch.
14. Judge Advocate General's Branch.
15. Medical Directorate.
16. Military Secretary's Branch.
17. Quartermaster General's Branch.
18. Royal Air Force Headquarters.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

937. \*Mr. S. C. Mitra : (a) Will Government please state under what circumstances the political prisoners in the Cellular Jail, Port Blair, gave up hunger-strike on the 26th June last ?

(b) Is it a fact that the hunger-strike was given up on assurances from Colonel Barker for the redress of the prisoners' grievances ?

(c) What are those assurances ?

(d) Was Colonel Barker consulted by Government before their decision was arrived at to introduce the recent changes in the treatment of prisoners ?

(e) If so, were the changes made in accordance with his recommendations ?

(f) From what date and after how many days of the termination of the hunger-strike the recent changes in the treatment of the prisoners were introduced ?

The Honourable Sir Harry Haig : (a) The hunger-strike was abandoned unconditionally on June 26, 1933.

(b) There is no truth whatever in this suggestion.

• (c) Does not arise.

(d) and (e). I discussed matters arising out of his report with Lieutenant-Colonel Barker on his return from the Andamans but that report was confined to medical and sanitary arrangements and the diet of the prisoners and had no reference to such matters as the supply of lights and of newspapers or the grant of interviews in regard to which changes have been made.

(f) The changes were introduced from August 15, 1933.

NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS IN THE ANDAMANS.

938. \*Mr. S. C. Mitra : Will Government please state the names of the newspapers that are being supplied to the political prisoners in the Andamans after the recent changes in the treatment of prisoners ?

The Honourable Sir Harry Haig : The weekly editions of the *Times of India* and the *Statesman* and two Bengali papers—I am not sure how these Bengali names are pronounced and I hope the Honourable Member will forgive me if I do not pronounce them correctly—The *Sanjibani* and the *Bangabasi*, are supplied to the prisoners.

INTERVIEWS GRANTED WITH POLITICAL PRISONERS IN THE ANDAMANS.

939. \*Mr. S. C. Mitra : (a) How many interviews with the political prisoners in the Andamans have so far been granted ?

(b) Will Government please state what they mean by the term " More frequent interviews will be granted " as stated by the Honourable the Home Member in reply to certain questions on the 23rd August last ?

(c) At what intervals will interviews be granted ?

The Honourable Sir Harry Haig : (a) Two interviews with the terrorist prisoners in the Andamans have so far been granted.

(b) and (c). Under the rules originally framed the prisoners were allowed one interview in six months but they are now permitted one interview every three months.

**Mr. Lalchand Navalrai :** Will the Honourable Member kindly say how far the grievances of those prisoners, who were on hunger-strike, have been removed by these revised rules ?

**The Honourable Sir Harry Haig :** I think there is a question on that subject later on.

SENDING OR RECEIVING OF COMMUNICATIONS BY PRISONERS JOINING HUNGER-STRIKE IN THE CELLULAR JAIL, ANDAMANS.

940. **\*Mr. S. C. Mitra :** (a) Is it a fact that the prisoners who joined the last hunger-strike in the Cellular Jail are not allowed to send or receive communications at present ?

(b) If so, why and how long will the restrictions continue ?

**The Honourable Sir Harry Haig :** (a) and (b). The prisoners who went on hunger-strike were as a punishment for this breach of discipline deprived of certain privileges for a period of two months from the conclusion of the strike.

PERMISSION TO PRISONERS IN THE ANDAMANS TO HAVE MONEY IN JAILOR'S CUSTODY FOR PERSONAL EXPENDITURE.

941. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Jail Code permits the prisoners in Indian Jails to have money in Jailor's custody for personal expenditure on certain occasions ?

(b) If so, are the prisoners in the Andamans allowed to have the same privilege ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) No Provincial Jail Code except that of Bengal permits the prisoners to have money in the Jailor's custody for personal expenditure on certain occasions.

(b) The rule in the Andamans is the same as that in all provinces in India except Bengal.

**Mr. Lalchand Navalrai :** Does my supplementary question arise under this question ?

**The Honourable Sir Harry Haig :** I think it comes a little later.

**Dr. Ziauddin Ahmad :** May I ask, Sir, why the Government have not followed the Bengal rules and have preferred to follow the rules of other provinces ?

**The Honourable Sir Harry Haig :** Because Government see no reason to think that the Bengal rule is better than the rule in force in other provinces.

**Dr. Ziauddin Ahmad :** As the Bengal rules are made for the Bengalis and as most of the detenus are from that province, will not those rules be more applicable to them ?

**The Honourable Sir Harry Haig :** In itself I do not think that the rule is a very desirable one.

**Mr. S. C. Mitra :** Is it undesirable, Sir, to have the money deposited with the Jailor and to spend it on festive occasions, such as, the Pujahs or the Christmas, after the permission of the Jail authorities has been obtained ?

**The Honourable Sir Harry Haig :** It is not in accordance with my idea of the ordinary treatment of a prisoner that he should be allowed to have money for personal expenditure inside the jail.

**Mr. S. C. Mitra :** Was it the intention of the Government, when they transferred the prisoners from Bengal to the Andamans, to put them in a worse position than they were in Bengal ? Was it not promised that the Bengal conditions will be applied to them as far as possible ? Why those conditions have not been applied ?

**The Honourable Sir Harry Haig :** I have already said that the Chief Commissioner of the Andamans does not think it a desirable rule and, in that matter, he has the support of all Local Governments except Bengal.

**Mr. S. C. Mitra :** Is it a definite opinion of the Government of India that the rule that is now prevalent in Bengal is undesirable ?

**The Honourable Sir Harry Haig :** Certainly it is not a rule that I should recommend.

**Dr. Ziauddin Ahmad :** I do not know personally the conditions of the Andamans, but I should like to know whether the conditions prevailing there are such as to make it indispensable for these detenus to incur some personal expenses ?

• **The Honourable Sir Harry Haig :** I cannot see why they should be.

MENU OF DIET SUPPLIED TO CERTAIN PRISONERS IN THE ANDAMANS.

942. \***Mr. S. C. Mitra :** (a) What is the menu of diet generally supplied to the " B " and " C " class prisoners in the Andamans ?

(b) Are they the same as supplied to such prisoners in Indian jails ?

(c) What kind of rice is given to the prisoners in the Andamans ?

(d) Is it a fact that they are given Rangoon coarse rice ?

**The Honourable Sir Harry Haig :** (a) and (b). I place on the table a statement showing in parallel columns the diet which the " C " class prisoners get in the Andamans and in Bengal. I am making enquiries about the details of the " B " class diet and will lay a statement on the table in due course.

(c) and (d). " B " class prisoners get a superior quality of table rice while " C " class prisoners get Rangoon milled rice.

*Statement showing the diet which the " C " Class prisoners get in the Andamans and Bengal.*

	Andamans.			Bengal.		
Rice	..	..	14 oz.	..	..	1 lb. 8 oz.
Atta..	..	..	10 oz.	..	..	..
Salt ..	..	..	9 drachms	..	..	1 oz.
Dal	..	..	4 oz.	..	..	5 oz.
Vegetables ..	..	..	8 oz.	..	..	8 oz.
Oil ..	..	..	12 drachms	..	..	10 drachms.
Condiments	..	..	$\frac{1}{2}$ oz.	..	..	$\frac{1}{2}$ oz.
Fish	..	..	6 oz. twice a week or 6 oz. dal in lieu	..	..	3 $\frac{1}{2}$ oz. once a week or 6 oz. dal in lieu twice a week.
Tamarind ..	..	..	$\frac{1}{2}$ oz.	..	..	$\frac{1}{2}$ oz.
Gur ..	..	..	....	..	..	$\frac{1}{2}$ oz.

REPRESENTATIONS MADE BY DR. BHUPAL SINGH AND MR. SATISH PAKRASHI,  
PRISONERS IN THE ANDAMANS.

943. \***Mr. S. C. Mitra** : (a) Is it a fact that Dr. Bhupal Bose and Mr. Satish Pakrashi, both prisoners in the Andamans, sent representations to the Government of India ?

(b) If so what are the dates given on those representations ?

(c) When were they received by the Government of India ?

(d) Will Government please place those representations on the table of this House ?

(e) If not, will Government please state what are the main points referred to in those ?

(f) How many pages did those representations contain ?

(g) Was any other representation made to the Chief Commissioner, Andamans, or Superintendent, Cellular Jail, by the prisoners ?

(h) If so, what action was taken on it ?

**The Honourable Sir Harry Haig** : (a) to (f). These two prisoners submitted a joint representation addressed to the Home Member on May 31, 1933. It was withheld by the Superintendent of the Jail under his ordinary powers.

(g) and (h). I have no information.

**Mr. Lalchand Navalrai** : Are the powers of the Superintendent with respect to that to be revised by any authority ?

**The Honourable Sir Harry Haig** : No, Sir. I think they are exactly the same as the powers of the Superintendent in any Jail in India.

**Mr. Lalchand Navalrai** : Am I to understand that whatever the Superintendent does in the jail is not subject to any revision ?

**The Honourable Sir Harry Haig** : If any representation is made which appears to be deserving of notice, he will undoubtedly refer it to higher authority. In various cases, of course, the Superintendent has referred complaints to the Chief Commissioner who is the final authority.

**Mr. Lalchand Navalrai** : Is it also subject to the revision by the Superintendent of the Committee of Visitors attached to the jail ?

**The Honourable Sir Harry Haig** : I do not think there is such a Committee in the Andamans.

**Dr. Ziauddin Ahmad** : Is it not desirable that all these letters which the Superintendent may want to suppress may be sent confidentially to the higher authorities so that they may be able to judge that the Superintendent has acted in a *bona fide* manner.

**The Honourable Sir Harry Haig** : Higher authorities no doubt visit the jail from time to time and I do not think there is any probability that serious and important complaints are not investigated.

**Mr. B. V. Jadhav** : Is the Superintendent of the Jail the last authority in deciding whether a representation is proper or not ?

**The Honourable Sir Harry Haig :** Well, Sir, we think it is important in jail administration generally to uphold the authority of the Superintendent of the Jail.

**Mr. S. C. Mitra :** Supposing the Superintendent in his discretion holds out any representation, is there any remedy for the prisoners to bring it to the notice of the Government of India their grievances if they are very serious ?

**The Honourable Sir Harry Haig :** I imagine they can represent it when the District Magistrate visits the jail.

**Mr. S. C. Mitra :** Will it not go against the discipline of the jail if the prisoners were to make any complaint against the Superintendent if he has already prohibited them not to make any complaints to the District Officer ?

**The Honourable Sir Harry Haig :** If they make complaints about their treatment to any officer who is visiting the jail officially, he is bound to look into them.

**Mr. Lalchand Navalrai :** Does the Superintendent of the Jail accompany the District Magistrate when he goes through the complaints ?

**The Honourable Sir Harry Haig :** That is a general question to which, I am afraid, I cannot give a specific answer.

**Sardar Sant Singh :** Does the Honourable Member know that if a prisoner is bold enough to make a complaint to a non-official visitor or to the District Magistrate, he is punished later on by the jail authorities ?

**The Honourable Sir Harry Haig :** No, Sir, I do not know that.

**Sardar Sant Singh :** Will the Honourable Member make an inquiry to find out if this is the case ?

**The Honourable Sir Harry Haig :** I am not prepared to make any inquiry on such a vague and, on the face of it, unlikely allegation.

**Mr. B. Das :** May I inquire from my Honourable friend, Sardar Sant Singh, what was his experience when he was in the jail ?

(No answer.)

DR. RABINDRA NATH TAGORE'S MESSAGE TO THE HUNGER-STRIKING PRISONERS IN THE ANDAMANS.

944. **\*Mr. S. C. Mitra :** (a) Is it a fact that Dr. Rabindra Nath Tagore sent a message in June last requesting the hunger-striking prisoners in the Cellular Jail to give up the strike ?

(b) On what date was the message received by the Superintendent of the Jail ?

(c) Was it shown to the prisoners concerned ? If so, when and to how many of them ?

(d) Did the prisoners want to meet together to consider the Poet's message ?

(e) If so, were they allowed to do so ? If not, why not ?



**The Honourable Sir Harry Haig :** (a), (b) and (c). On June 16, 1933, the Chief Commissioner reported that he had delivered to the prisoners such a telegram which he understood to have been sent by Dr. Rabindra Nath Tagore.

(d) and (e). Special facilities were given to the prisoners to consider the telegram.

#### DISPOSAL OF DEAD BODIES OF CERTAIN PRISONERS IN THE ANDAMANS.

945. **\*Mr. S. C. Mitra :** (a) How were the dead bodies of the three prisoners—Sjs. Mahabir Singh, Mankrishna Namadas, and Mohit Moitra—disposed of ?

(b) Were the bodies thrown away in the waters of the Bay of Bengal ?

(c) If so, why were not the bodies burnt according to Hindu rites ?

**The Honourable Sir Harry Haig :** (a) The bodies of the three prisoners were cremated in accordance with proper Hindu rites at the public burning ghat in the settlement.

(b) and (c). Do not arise.

#### CHANGES IN THE TREATMENT OF PRISONERS IN THE ANDAMANS.

946. **\*Mr. S. C. Mitra :** Are Government aware whether the prisoners in the Andamans are now satisfied with the recent changes in their treatment ?

**The Honourable Sir Harry Haig :** I have no definite information on the point.

**Mr. Lalchand Navalrai :** Will the Honourable Member please enquire and have the information ?

**The Honourable Sir Harry Haig :** No, Sir, because I do not think it is my business to satisfy the prisoners, but only to satisfy myself that the terms are reasonable.

**Mr. Lalchand Navalrai :** How is the Honourable Member going to be satisfied if the Honourable Member does not know what the changes are ?

**The Honourable Sir Harry Haig :** I do know what the changes are.

**Mr. Lalchand Navalrai :** I want to know if the rules have been changed in consonance of the reasonable demands of these hunger-strikers ?

**The Honourable Sir Harry Haig :** The changes have been made in accordance with what I consider to be reasonable demands, but whether the prisoners would consider themselves satisfied, I cannot say.

**Mr. Lalchand Navalrai :** Will the Honourable Member please place a copy of the rules on the table of the House ?

**The Honourable Sir Harry Haig :** When I receive a copy of the rules, I shall be happy to place it on the table.

**HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.**

947. \***Mr. S. C. Mitra** : (a) Will Government please place on the table two up-to-date statements showing :

- (i) the names of prisoners detained under Regulation III of 1818, with dates of their arrest and periods of their detention ;
- (ii) the number of occasions the prisoners in the Cellular Jail resorted to hunger-strike, and the period in each case ?

(b) Will Government please state if it is a fact that the denial of a right to bring their grievances to the notice of the Government of India is one of the main causes for the last hunger-strike in the Cellular Jail ?

(c) If so, what were the reasons for depriving the prisoners of this right ?

**The Honourable Sir Harry Haig** : (a) (i) I lay a statement on, the table.

(ii) There have been two hunger-strikes. The first occurred in January, 1933 and lasted for about a week. The second began on May, 12 and ended on June, 26.

(b) One of the demands put forward by the prisoners was for facilities to petition the Central and Provincial Governments.

(c) In accordance with the normal practice the prisoners have a right to make representations to the Superintendent. If he considers that they raise any question of importance he would forward them to the Chief Commissioner for orders.

*Statement.*

The information required by the Honourable Member is contained in the statement laid on the table on the 12th September, 1932, in reply to his question No. 163. Since that statement was compiled, the State Prisoner, Subhas Chandra Bose, has been released and the State Prisoner, J. M. Sen Gupta, has died. The following have since been detained as State Prisoners under Regulation III of 1818, namely :

*Date of arrest.*

1. Ranbir Singh	..	..	20th November, 1932.
2. Vidya Bhusan	..	..	1st February, 1933.
3. Kheali Ram Gupta	..	..	1st February, 1933.
4. Chaman Lal Azad	..	..	4th April, 1933.
5. Bhag Ram	..	..	5th July, 1933.
6. V. R. Vaishampayan	..	..	12th August, 1933.

**ILLNESS OF PRISONERS IN THE ANDAMANS.**

948. \***Mr. S. C. Mitra** : Will Government please place on the table a list showing the names of the prisoners who are still suffering from illness in the Cellular Jail, with particulars of disease and present condition of health in each case ?

**The Honourable Sir Harry Haig** : I am afraid I cannot undertake to furnish information of the kind required by the Honourable Member. The prisoners who went on hunger-strike have all recovered from its effects.

INTIMATION OF THE DEATHS OF PRISONERS IN THE ANDAMANS TO THEIR RELATIVES.

949. \***Mr. S. C. Mitra** : (a) Was official intimation of the deaths of the three hunger-striking prisoners in the Cellular Jail sent to the relatives of those prisoners ?

(b) If so, on what dates and after how many days of the deaths ?

**The Honourable Sir Harry Haig** : (a) and (b). The three prisoners died on 17th, 26th and 28th May and the Government of India asked the Local Governments on the 28th, 29th and 31st to inform their relatives. The delay in the case of Mahabir Singh was due partly to enquiries made by the Government of India for fuller particulars of the cause of his death and partly to atmospheric disturbances in the Bay of Bengal which interrupted telegraphic communications for some days.

**Mr. S. C. Mitra** : Are the Government of India aware that the Local Governments did not inform the relatives till very late ? I know this personally from a relative.

**The Honourable Sir Harry Haig** : I am afraid I have no information as to the precise dates on which the Local Governments communicated with their relatives.

ILLNESS OF STATE PRISONERS, MANORANJAN GUPTA AND BHUPENDRA KUMAR DUTT.

950. \***Mr. S. C. Mitra** : (a) Is it a fact that State Prisoners, Messrs. Manoranjan Gupta and Bhupendra Kumar Dutt have been suffering from acute diseases for the last few months ?

(b) If so, what are the diseases they are suffering from and what arrangements have been made for their treatment ?

(c) Has the attention of Government been drawn to a press message that appeared in the *Amrita Bazar Patrika* of Calcutta on the 3rd June, 1933, reporting the possibility of the transfer of the above-named State Prisoners to the Andamans ?

(d) Is there any truth in the above report ?

(e) If so, when and why will they be transferred to the Andamans ?

**The Honourable Sir Harry Haig** : (a) and (b). The State Prisoners suffered from hydrocele in April last, and were operated upon in the Mayo Hospital, Lahore. They have been gaining in weight since the operations, and are at present in good health.

(c) I have not seen the message.

(d) and (e). There is no intention of transferring these State Prisoners to the Andamans.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER, MR. MANORANJAN GUPTA.

951. \***Mr. S. C. Mitra** : (a) Is it a fact that no allowance to the family of State Prisoner, Mr. Manoranjan Gupta, has been granted by Government ?

(b) Are Government aware that Mr. Gupta was the main supporter of his family ?

(c) If so, why no such allowance has been granted to his family as yet ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) No. He is unmarried and his relatives were not dependent on him.

(c) Does not arise.

**Mr. S. C. Mitra :** Is it the conclusion of the Government of India that unmarried people cannot have any dependents ?

**The Honourable Sir Harry Haig :** Not necessarily so, but in this case the information is that his relatives were not dependent upon him.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER,  
MR. ARUN CHANDRA GUHA.

952. **\*Mr. S. C. Mitra :** (a) Is it a fact that no allowance is granted to the family of the State Prisoner, Mr. Arun Chandra Guha ?

(b) Are Government aware that he had an income as one of the proprietors of the Saraswati Press of Calcutta and he used to maintain his family ?

(c) Will Government please explain why this allowance has not been granted ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) He had an income from the Saraswati Press and Library in Calcutta, and I understand still has that income.

(c) In view of the answer I have given to part (b) this does not arise.

BENGALI STATE PRISONERS CONFINED IN THE RAJAHMUNDRY JAIL.

953. **\*Mr. S. C. Mitra :** (a) Will Government please state the names of the Bengali State Prisoners now confined in the Rajahmundry jail, Madras, with dates of their transfer to that jail ?

(b) What is the present condition of health of those State Prisoners ?

(c) Is it a fact that the present condition of health of Messrs. Surendra Mohan Ghose and Benoyendra Roy Choudhury, two State Prisoners in that jail, is serious ?

(d) What are the diseases they are suffering from and what arrangements have been made for their treatment ?

(e) Has the present arrangement of treatment made any improvement in their health and what is the present condition of the health of those two State Prisoners ?

(f) Is it a fact that Mr. Benoyendra Roy Choudhury has applied for permission to proceed to Europe for treatment ?

(g) Will permission be granted to him ?

(h) If not, why not ?

(i) Is it also a fact that the sister of Mr. Roy Choudhury applied for permission to nurse her brother in the jail ?

(j) Has permission been granted ?

(k) If not, why not ?

(l) Is there any restriction on Mr. Roy Choudhury's writing letters to his father or other inmates of his family ?

(m) How many letters has he so far been allowed to write during his confinement in the above jail ?

**The Honourable Sir Harry Haig :** (a) In addition to the State Prisoners mentioned in the Honourable Member's question No. 255 on the 31st August last the State Prisoner, Pratul Chandra Bhattacharjee, is also confined in the Rajahmundry Jail.

(b) to (h). The State Prisoner, Pratul Chandra Bhattacharjee, is keeping good health. As regards the other three State Prisoners, I would invite the attention of the Honourable Member to my replies to his questions Nos. 256, 259 and 638 on the 31st August and 5th September, respectively, to which I have nothing to add.

(i) to (k). A request for the sister and another member of the family to visit and nurse the State Prisoner was made in September, 1932 and permission to interview the State Prisoner on three days was accorded. Another similar request was received by the Government of India in March, 1933, and passed on to the Local Government for disposal under the rules.

(l) and (m). He is allowed under the rules to write three letters a week.

#### TRANSFER OF STATE PRISONER, MR. RASIK LAL DAS, TO SOME OTHER JAIL.

954. **\*Mr. S. C. Mitra :** (a) In which jail is the Bengali State Prisoner, Mr. Rasik Lal Das, now confined ?

(b) Is there any other Bengali prisoner, or a Bengali officer, in that jail ?

(c) If not, will Government please state why has he been secluded from other Bengali prisoners ?

(d) Is it also a fact that this secluded state of life has badly affected his health ?

(e) Do Government propose to transfer him to some other jail where there are other Bengali prisoners ?

**The Honourable Sir Harry Haig :** (a) The Peshawar Central jail.

(b) Another Bengali State Prisoner is confined in the same jail.

(c) to (e). Do not arise. But I may add for the Honourable Member's information that the periodical reports show that the State Prisoner is keeping good health.

#### ACQUITTAL OF MR. NIKHIL RANJAN GUHA ROY BY THE CALCUTTA HIGH COURT.

955. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the fact that Mr. Nikhil Ranjan Guha Roy who was convicted

for six years in the Kandi Bomb Case and is now confined in the Cellular Jail, Andamans, has been acquitted by the Calcutta High Court ?

(b) Will Government please refer to the interpellations on my question No. 523 of the 21st September, 1932, in course of which the Honourable the Home Member replied as follows :

“ It was on account of a breach of a definite condition that these two persons (Mr. Narendramohon Ghose Choudhury and Mr. Nikhil Ranjan Guha Roy) were sent back to complete their sentence. This is the condition—He shall take no part directly or indirectly in any thing that is an offence under the Arms Act or the Explosive Substances Act.”

and explain the reasons for his confinement in jail in view of his acquittal from an offence under the Explosive Substances Act ?

(c) Will Mr. Guha Roy be released now ?

(d) If not, why not ?

**The Honourable Sir Harry Haig :** I am making enquiries from the Government of Bengal and will lay a statement on the table in due course.

#### DETENUS DETAINED IN THE DEOLI DETENTION CAMP.

956. \***Mr. S. C. Mitra :** (a) Will Government please state the number of detenus now detained in the Deoli Detention Camp ?

(b) How many detention camps are there at present ?

(c) How many detenus can be accommodated in each camp ?

(d) Is it a fact that recently some fresh batches of detenus have been sent to Deoli Detention Camp from Bengal ?

(e) If so, how many detenus have been sent to Deoli from Bengal in June, July and August, respectively ?

(f) Is it not a fact that Sir James Crerar assured this House that the Government of India would make careful scrutiny of each case of transfer of the detenus outside Bengal ?

(g) Was careful scrutiny made by the Government of India in recent cases of transfer ?

(h) If so, what are the special reasons for transferring so many detenus within a short period ?

**The Honourable Sir Harry Haig :** (a) 217.

(b) and (c). Besides the Deoli Detention Jail, which has accommodation for 500 detenus, there are three camps for detenus in Bengal. I have no exact figures of the accommodation available.

(d) and (e). No detenus were transferred to Deoli in June or August. 97 were transferred in July.

(f) to (h). I have seen what was said by Sir James Crerar on January 19th, 1931, when the Bengal Criminal Law Amendment (Supplementary) Bill first came under discussion. He contemplated at that time that there were likely to be only a few cases, and he appears to have contemplated that each case would be examined by the Government of India. More than a year passed before the Bill came up in this House

again, and at that time on February 3rd, 1932, Sir James Crerar explained that the position had deteriorated very greatly during the intervening year. In consequence of that deterioration it was clear that much larger numbers were going to be sent to Deoli than had been originally contemplated and I cannot find that throughout the very lengthy debates of 1932 any further reference was made to the point raised by the Honourable Member. The Government of India do not examine each individual case, but there is a clear understanding on policy between the Government of India and the Government of Bengal that only those detenus who come within the category which Sir James Crerar had in mind should be sent to Deoli.

**PERMISSION TO A DETENU IN THE DEOLI DETENTION CAMP TO PERFORM THE SRADH CEREMONY OF HIS FATHER.**

957. \***Mr. S. C. Mitra :** (a) Is it a fact that the father of Mr. Sarat Chandra Dutt, a detenu in the Deoli Detention Camp, has recently died ?

(b) Is it also a fact that Mr. Dutt, being the eldest son, applied for leave to perform the Sradh ceremony of his father ?

(c) If so, was any leave granted to him for the purpose ?

(d) If not, why not ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b), (c) and (d). An application was received on behalf of the detenu but Government were not able to grant him leave to visit his home for the purpose. I understand that permission was given to him to perform the ceremony in the Deoli Detention Jail.

**PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.**

958. \***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state if it is a fact that :

(a) at the inception of the Indianisation scheme of ' Storemen and Assistant Storekeepers ' in the Indian Army Ordnance Corps, storemen who were graduates were promised in their appointment letters issued to them by the Director of Ordnance Services (M. G. O.'s Branch, Army Headquarters) ' quicker ' promotion to the grade of Assistant Storekeepers and eventually to the grade of Storekeepers : 100—120[6] 150—10 ;

(b) storemen who were graduates were exempted and those who were not graduates were not exempted from undergoing :

(i) a course of instructions at the Indian Army Ordnance Corps School of Instruction, Kirkee, or the efficiency bar examination in lieu thereof ;

(ii) a competitive examination ;

(c) those storemen who were not graduates were required to reach the minimum monthly salary of Rs. 80 before they could be eligible for the said competitive examination, as conditions

essential for their promotion to the grade of Assistant Storekeepers ;

- (d) all the conditions mentioned at (b) (i) and (ii) and (c) above have now been waived by the Director of Equipment and Ordnance Stores in respect of non-graduates, and even a matriculate storeman, thus bringing them at par with the graduates in respect of promotion ?

**Mr. G. R. F. Tottenham :** (a) In the letter to candidates selected for appointment as probationary Storemen, no promise was made but it was stated that graduates would have the prospect of rising to the grades of Assistant Storekeeper and Storekeeper more quickly than others.

(b) The original orders did not contain any provision to the effect that graduates would have to pass an examination before being considered for promotion. Non-graduates had to pass both an efficiency bar examination and a competitive examination. In no case, however, could a man be promoted unless he was recommended by his Commanding Officer.

(c) Yes.

(d) Under the orders of Government, no person can now be considered for promotion unless he has passed a Trade test and also the efficiency bar examination for storemen, or the storeman course at the School of Instruction. It is open to a Commanding Officer to recommend for promotion any person who has passed those tests whatever his educational qualifications may be.

#### PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

959. **\*Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : (a) Will Government please state whether it is a fact that (i) henceforth only such storemen will be admitted to the competitive examination of the Indian Army Ordnance Corps as would be recommended by their immediate officers, and (ii) this condition did not previously apply to the graduates ?

(b) Will Government please state whether it is a fact that for the purpose of promotion to the grade of Assistant Storekeeper no regard will be paid to a storeman's seniority on the nominal roll, and a junior-most storeman can be allowed to supersede the most senior storeman ?

(c) Are Government aware that the changes in the prospects of service referred to previously are in violation of the promise given to the graduate storemen in their appointment letters, and are consequently greatly resented by them ?

(d) Will Government please state the reasons for effecting these changes ?

**Mr. G. R. F. Tottenham :** (a) The competitive examination has been abolished. No person can be recommended for promotion unless he has the qualifications mentioned in my reply to the preceding question.

(b) Promotion is made by selection, due regard being paid to seniority.



(c) and (d). Experience showed that if the substitution of Indians for British other ranks was to be effected without undue loss of efficiency, the original scheme of promotion to the higher grades required modification. No promise was ever made to graduates that they would be preferred to more suitable men with other qualifications; and they can have no real grievance at the removal of conditions which, without having any bearing on a man's fitness for storekeeping work, delayed the promotion of non-graduates.

#### STOREMEN OF THE INDIAN ARMY ORDNANCE CORPS.

960. \*Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a statement showing the number of graduates, undergraduates, matriculates, and non-matriculates at present in the cadre of storemen of the Indian Army Ordnance Corps and the number of Hindus, Muhammadans and Sikhs, respectively ?

Mr. G. R. F. Tottenham : A statement is laid on the table.

*Statement showing the Classification of storemen employed in the Indian Army Ordnance Corps.*

		Graduates.	Under Graduates.	Matri- culates.	Non-Matri- culates.
Hindus	..	37	9	79	..
Muhammadans	..	16	2	28	1
Sikhs	..	8	4	35	1
Other communities	..	..	..	16	..
Total	..	61	15	158	2

#### INDIANISATION IN THE INDIAN ARMY ORDNANCE CORPS.

961. \*Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state in how many years in pursuance of the policy of Indianisation is it proposed to completely replace the warrant and non-commissioned ranks of the Indian Army Ordnance Corps ?

Mr. G. R. F. Tottenham : The scheme of Indianisation now in operation contemplates the replacement of 25 per cent. of British other ranks by civilians, in about 16 years. In addition to this replacement, a beginning has been made with the experiment of substituting Indian Non-Commissioned Officers for British up to the extent of 8-1/3 per cent.; if this experiment is successful, a further measure of substitution will be tried.

#### PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

962. \*Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a summary of the proposals received by the Director of Ordnance Store

from the Indian Army Ordnance Corps establishments from time to time on the subject of the method and conditions for promotion of storemen to the grade of the Assistant Storekeeper, and the decisions arrived at and communicated to them by the Director of Ordnance Stores from time to time on such proposals ?

**Mr. G. R. F. Tottenham :** No, Sir. Government are not prepared to lay such correspondence on the table.

**SALARIES OF EAST INDIAN RAILWAY EMPLOYEES ON THE TRANSFER OF THAT RAILWAY FROM COMPANY-MANAGEMENT.**

**963. \*Mr. E. H. M. Bower :** (a) Will Government please state whether the substantive salaries of the East Indian Railway Company's employees who were taken over by the State in 1925 are taken as the guiding factors in fixing their initial salary on transfer from one department to another save in cases of inefficiency, misconduct, abolition of the post or general retrenchment ?

(b) Will Government please state whether the principles enunciated in Fundamental Rules 15 and 22 are obligatory in so far as the East Indian Railway employees are concerned ?

(c) Will Government please state whether a State Railway employee's salary can be reduced without a charge being framed against him and the employee being given an opportunity to defend himself except in anticipation of the abolition of a post or due to retrenchment ?

(d) Will Government please state the remedy that is open to a State Railway servant whose salary has been fixed on transfer to another department contrary to Fundamental Rules 15 and 22 ?

**Mr. P. R. Rau :** (a) Yes.

(b) The East Indian Railway employees, who were appointed before the transfer of the management from the Company, remain under the rules that were applicable to them before ; the Fundamental Rules quoted do not apply to them.

(c) I am sure no disciplinary action is taken against an employee without his being asked for an explanation and given an opportunity to defend himself.

(d) When the salary fixed on transfer is contrary to Fundamental Rules, it would probably come to the notice of the Accounts Department, but in any case the railway servant concerned can bring the matter to the notice of higher authority.

**WITHHOLDING OF APPEALS ADDRESSED TO THE RAILWAY BOARD.**

**964. \*Mr. E. H. M. Bower :** (a) Will Government please state whether appeals addressed to the Railway Board can be withheld by Heads of departments without advising the appellant of the reasons for the withholding of such appeals ?

(b) Will Government please state what avenue is open to the aggrieved subordinate to submit his grievance if such appeals are withheld ?

**Mr. P. R. Rau :** (a) No appeal can be withheld without the appellant being informed of the fact and of the reasons for it.

(b) Does not arise.

ARTICLE IN THE *Bombay Chronicle* UNDER THE HEADING " GREAT INDIAN PENINSULA RAILWAY AND WORKERS ".

965. **\*Mr. S. G. Jog :** (a) Has the attention of Government been drawn to a communication which appeared in the *Bombay Chronicle*, dated Tuesday, July 11, 1933, under the heading " Great Indian Peninsula Railway and workers " ?

(b) Will Government please state what action has been taken in the matter ? If no action has been taken in the matter, why not ?

**Mr. P. R. Rau :** (a) Yes, by the courtesy of my Honourable friend.

(b) I am sending a copy of the question and the reply thereto to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

" I am directed to inform you that the Council of State has, at its meeting held on the 14th September, 1933, agreed without any amendments to the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 6th September, 1933."

#### STATEMENT LAID ON THE TABLE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I lay on the table the information promised in reply to starred question No. 672 asked by Sardar Sant Singh on the 6th September, 1933.

#### EXAMINATION FOR RECRUITMENT OF AUDITORS IN THE SUBORDINATE RAILWAY AUDIT SERVICE AND CLERKS IN THE OFFICES OF THE CHIEF AUDITORS AND STATE RAILWAYS.

\*672. (a), (b), (c) and (d). Yes.

(c) The two clerks who were brought under reduction were the most junior of those holding officiating appointments. The orders of the Government of India regarding retrenchment according to length of service have reference to Government servants holding permanent posts and therefore do not apply to the cases in question. The circular issued by the Railway Board regarding the re-employment of retrenched personnel does not apply to the Railway Audit Department. Retrenched personnel of that Department would ordinarily be considered in connection with vacancies in the offices from which they have been retrenched ; but the outsider to whom the Honourable Member refers was given an appointment on the Rohilkund and Kumaon Railway where there had been no retrenchment.

(f) As the Director of Railway Audit has already issued instructions that retrenched men should be considered for re-employment wherever possible, Government do not consider it necessary to take any further action in the matter.

## STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhore** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the remainder of the Session. Our business for the current Session cannot be completed by tomorrow, and, as indicated in my last statement, I now request you, Sir, to direct that the Assembly shall sit for Government business on Monday, the 18th and Wednesday, the 20th and, thereafter, if necessary, from day to day until the programme which I am going to announce is concluded. I may say that I anticipate that we shall finish our business on Wednesday at the latest.

On Monday, the 18th, leave will be asked to introduce a Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships. I may add, Sir, that no further motion in regard to this Bill will be made during the current Session. Subject to our receiving the necessary messages from the other Chamber, my Honourable colleague will make motions on Monday for the election of Members of this House to the Joint Committees on the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill.

The other items of business which will be brought forward are as follows :

1. Consideration of any business entered in the list of business for Saturday, the 16th and not concluded on that day, in the order in which it appears on the Agenda.

2. A Resolution concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference.

3. A Resolution regarding the amendment of the Indian Legislative Rules in connection with the constitution of the Committee on Public Accounts, and

4. Consideration of the Report of the Public Accounts Committee for 1930-31.

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## THE INDIAN TEA CONTROL BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration.”

It will be within the recollection of Honourable Members, Sir, that on the last day of the Delhi Session the Honourable the Leader of the House announced that the Government of India had decided to support the agreement which the representatives of the tea industry of the three principal producing countries, *viz.*, Ceylon, the Dutch East Indies and India, had reached early in the year to regulate exports of tea and in certain ways to restrict the production of tea. Government, Sir, had reached this conclusion because they were satisfied that the catastrophic fall in prices which had taken place in recent years,—I

[Mr. G. S. Bajpai.]

may mention for the information of the House that prices had fallen from an average of 9 annas a pound in 1930 to 4 annas a pound in 1932,—that this catastrophic fall in prices threatened the smaller concerns, especially the Indian concerns and that some measures to establish equilibrium between supply and demand were absolutely necessary. The agreement, Sir, falls into two parts. First, the regulation of exports. The idea is that during the five years for which the agreement is to be operative there shall be an export quota fixed for each year at a percentage of the highest export figure during any of the three years 1929, 1930 and 1931. This quota is to be then distributed amongst the estates in India by a committee which is to be representative of all the tea interests in the country. The second part of the agreement, Sir, relates to the restriction of cultivation. The international agreement provides that there shall be no extension of cultivation, that is to say, no new virgin land brought under tea, except in the case of those estates whose economic existence would be otherwise imperilled; and, further, that for the whole of India the extension so permitted shall be limited to half per cent. of the area actually under tea on the 31st March, 1933. The Bill which is now before the House has been drafted by Government in order to implement this agreement. Government have tried to observe three principles. The first is that the industry as the originator of the agreement shall provide the machinery for its administration, subject, of course, to the control of the Government of India, and that it shall also provide the funds for running the administration. If Honourable Members will look at clause 3 of the Bill they will find that we propose to set up a committee which will be responsible both for the issue of licenses for the purpose of export and for regulating applications for the extension of cultivation. The Committee will also have power to raise funds in order to defray the expenses of administering agreements. Then they are being given powers for keeping accounts, appointing officers and generally to carry out functions incidental to the implementing of the agreement. The second principle, Sir, which Government have kept in view is that it shall be worked equitably to all the interests concerned, be they large interests or small interests, be they Indian interests or European interests; and for that purpose Honourable Members will find from clause 3 that special steps have been taken to give representation to Indian producing interests; further, that the Governor General in Council is to have general powers of supervision and control over the actions of the committee; that as regards the planting of tea areas the Local Governments are to be invested with similar powers; and, finally, that the Governor General in Council has also the power, if necessary, to bring the committee to an end, that is to say, if it does not behave properly, which we hope will not be the case. The third principle which the Government have kept in view is that although the agreement shall be observed by India in the letter and in the spirit, the operation of the agreement shall not press more hardly upon India than it does upon the other countries; and in this connection I would like to invite the attention of Honourable Members to the proviso to clause 25 which provides that so far as restrictions on cultivation are concerned they would have retrospective effect only.

if the other countries which are parties to the agreement give it such effect.

I do not think it is necessary for me to go into the details of each clause. The Bill has been drafted on a very simple and logical plan: Chapter I deals with the machinery; Chapter II deals with the regulation of exports; Chapter III with the extension of cultivations and Chapter IV with such penalties as may be necessary for non-observance of the Act. There are two facts, however, which I think I should like to mention for the information of the House before I conclude. The Bill as first drafted by us was circulated to Local Governments in order to elicit their views and the views of those representatives of the industry; and the form in which the Bill has been placed before the House generally commands the agreement of all the interests concerned. The second point I would like to mention for the information of Honourable Members is that although constitutionally it is not possible for us to legislate for India as a whole, yet the Indian States primarily concerned, namely, Travancore, Cochin and Mysore, have agreed to observe and give effect to the agreement during its operation. There is nothing more for me to say. Yesterday I had hoped that I would be able to invoke the hour at which the discussion was likely to commence as an argument for according to this Bill a measure of acquiescent amiability. I refer, Sir, to the tea hour. That is no longer possible. But I still hope that the impression, indeed impelling weight of support which I have endeavoured to describe will secure for it prompt and unanimous support. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the control of the export of tea from India and or the control of the extension of the cultivation of tea in British India, be taken into consideration.”

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier de Souza, Mr. Muhammad Anwar-ul-Azim and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The purpose of my motion is not to delay this very beneficial measure even for a day. I agree with the Honourable the Mover of his Bill that it is necessary for the very existence of the tea industry, both here in India and outside. Government is really helping the tea growers by enacting this legislation. I also accept the general principle of this Bill; but I have received several communications from tea growers from my constituency and from outside who place before the Government the special interest of the tea planters who have begun to start tea gardens from the year 1925 and 1926, who had not the occasion to have a full crop of tea, during these years—the typical years of 1929, 1930, and 1931, that will be considered as the standard years for the average production of tea gardens on the basis of which a quota will be fixed. I think it may not be necessary for me even to press my motion for referring the matter to the Select Committee

[Mr. S. C. Mitra.]

if the Government or the other tea interests are agreeable to consider favourably the view points of these small tea growers in different parts of India, by incorporating in the Bill some of the suggestions that have been made. Or it may even be provided afterwards, if the assurance is given, in the rule-making power providing for those suggestions in the rules themselves. I got this letter from the Secretary, Tippera Planters' Association. It runs thus :

"The Indian gardens which my Association represents are mainly now and undeveloped gardens with comparatively small output. There are a few which, although older in age could not for various difficulties before 1928 develop properly, and produce crops in proportion to their planted acreage. There are some gardens which began just before the depression set in, and have been struggling against tremendous odds all these times. In order to safeguard the interests of these gardens, my Association submits the following suggestions :

- (1) Those gardens which could not be developed properly and show an inadequate output of crop in proportion to their planted acreage even in their hitherto best year of production should be allowed a minimum output on their entire plantations at least at the rate of yield per acre allowed for young plantations of 1928 with further allowances for crops in respect of re-plantations and replacements made since 1929 at the rate given in circular 4.
- (2) Those gardens which would be imperilled without further extensions should be allowed to extend according to their needs after a thorough inquiry in each case.
- (3) In the proposed Licensing Board there appears to be no room for representation of gardens which do not belong to any Association and particularly the Tripura State gardens which number about 50. In our opinion these gardens should have proper representation in the proposed Licensing Board. The Tripura State area should be regarded as a unit by itself for purposes of such representation and my Association begs to claim one representation for itself."

They further state :

"Those gardens which have not yet produced 1,500 maunds of tea or at least 5 maunds of tea per acre, as has been allowed even for the young areas of 1928, should be allowed their actual outturn of crop up to the limit of 1,500 maunds of manufactured tea or at the rate of 5 maunds per acre of the planted area both in respect of the export quotas and internal consumption instead of 10 per cent. allowances proposed to be allowed to gardens producing 1,000 maunds or yielding 4 maunds per acre, in the proposed tea restriction scheme—otherwise such small and undeveloped gardens will be seriously affected. The proposals made herein will not affect the restriction scheme to any appreciable extent,"

I have received similar letters from Indian tea planters of Chittagong and a few from Jalpaiguri also. I had a long discussion with my friend, Mr. Phookun of Assam and also with my Honourable friend, Mr. Abdul Matin Chaudhuri, who really represent the larger Indian tea interests in the whole of India. They also agree with the view that I have already quoted and I shall presently read a statement which has been sent to me by Mr. P. C. Borooch of Sibsaurgur a statement of Mr. J. B. Chaliha where in a very clear and succinct statement he has put the case of the smaller tea garden Indian owners. With your permission, Sir, I should like to read from that statement.

"Though the restriction scheme for exports of tea holds out hopes to save the industry from ruin, I am afraid the new gardens started after the last tea boom of 1923/24 are hardly getting an equitable treatment in the calculation of the crop basis, and consequently the export quota."

12 Noon.

"I shall show below how the principle adopted for calculating crop basis of young gardens hits them hard."

1. Gardens started after 1925-26 never had had the chance to make full crop at any time during the years taken as base years, for the simple reason that the tea bushes were far too young to be full yielding, so the crop basis calculated according to the formula adopted will be too low and remain low even when the bushes are in a full yielding capacity than the crop basis of a garden similarly placed but started earlier.

2. In limiting the crop basis for young tea uniformly for all districts for the next five years, the assumption is that the average production for all districts, whether Darjeeling, Cachar or Upper Assam is the same, which is never the case. Districts with heavier crops per acre generally cannot pay their way with a low output, so gardens situated in locations where the average production per acre is ten maunds an acre will be hardly able to make a profit with maximum of five maunds an acre.

3. These new gardens were planted out at a much heavier cost per acre than the gardens long established, as labour and materials were dearer, and some had to pay as much as Rs. 40 per acre to Government for land alone as premium. This is aggravated by the fact, that having invested all the money they had to start the gardens, when an income was expected the tea and general trade depression set in, and they suffered heavy loss, and many ran into debt. Gardens long established got land cheap and on easy tenures and opening expenses were much lower and a comparatively small capital went a long way. They made profits for years and many had time to build big reserves. With gardens under European Managing agents they had cheap money, even if they had to borrow. All gardens who have got to depend for all their crop on their extensions after 1925-26 should be allowed to make tea at least upto the district average of production, and not limit the crop basis to a maximum of only 400 lbs. per acre which is hardly fair. Unless this is done these new gardens will get very little real benefit from the Government guaranteeing the restriction of exports. These gardens will not only have to cover their expenses but will have to find funds to liquidate the debts incurred during the recent years due to losses sustained. They will also have to be prepared for the next slump which will very likely come off if the restriction of exports is not continued after the present term of five years is over.

The following suggestions are put forward for calculating the crop basis for new gardens started after 1925-26 in order that they may have a fair chance for existence.

1. Take the best crop during 1929, 1930, 1931 and 1932.
2. Make an allowance of 400 lbs. for 1928 plantings, 300 lbs. for 1929 plantings and 200 lbs. for 1930 plantings for 1933/34.
3. Increase these allowances by 100 lbs. per acre, every year up to a maximum of the district average of production during the operation of the restriction scheme.
4. Then fix the export quota at the percentage to be decided for the particular year.
5. Should a new garden started in 1926-27, the crop of which should have been the heaviest in 1932, due to the young plants getting more mature than the previous years, be affected by hail, flood or other natural disaster, and its 1932 crop is lower than any of the previous years, its crop basis should be calculated for 1933 as follows :
  - (1) 600 lbs. per acre for 1926 plants, or the District average of production, if it is less than 600 lbs. per acre.
  - (2) 500 lbs. per acre for the 1927 plantings.
  - (3) 400 lbs. per acre for the 1928 plantings.
  - (4) 300 lbs. per acre for the 1929 plantings.
  - (5) 200 lbs. per acre for the 1930 plantings.
  - (6) For subsequent years, the above figures should increase by 100 lbs. per acre up to the district average of production.

The suggestion about allowing the young gardens to make up to the district average of production will not affect the quantity of tea allotted to the older gardens to any great extent for 1933, and in subsequent years the quota of the new gardens will increase progressively and the maximum allotment will be claimed only during the last year of the operation of the scheme, when perhaps consumption will increase considerably."

Sir, in this statement the tea planters have shown how they think that in the interest of the small tea gardens some special provision



[Mr. S. C. Mitra.]

should be made within the quota as accepted in the International Scheme to give relief to these people, and I sincerely hope that Government as well as the tea interests will be agreeable to accept such a scheme. If that view is acceptable,—and I know I can speak on behalf of the Members on this side because I have discussed the matter in detail with Mr. Phookan and Mr. Abdul Matin Chaudhury, our general object will be served, and if we can have an assurance to that effect, I do not think it is necessary to refer this Bill to a Select Committee.

Then, Sir, the only other matter that I want to refer to is about clause 3. In sub-clause (b) I find that members who are to represent Assam and the Surma Valley are to be nominated by the Local Government, and similarly in sub-clause (d) the members representing the Southern India tea estates are also to be nominated by the Local Government, while in other cases there is provision for election by the tea growers of the locality concerned. I understand, Sir, there is a tea institution in the Surma Valley, but I am not quite sure if there is one such in the Assam Valley district, but in any case I do not understand why Government should not accept the policy of giving the powers of election to the local tea estates, because it will not be necessary to provide for an extensive electorate. It may be done simply by letters—and thus they can elect their own representatives—rather than making an invidious distinction, by nominating them, in those two cases alone. With these words, Sir, I support the motion.

70513

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier DeSouza, Mr. Muhammad Anwar-ul-Azim and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. G. S. Bajpai** : Sir, I have ventured to rise so early in the debate because my friend said that if Government were able to explain their attitude in this matter satisfactorily, he would not press his proposal for reference to Select Committee. My friend has made three points. The first is that, so far as the export quota of certain Indian tea gardens is concerned, it shall be calculated on a more generous basis than is provided for actually in the agreement. Now, Sir, the position as regards that, is, that the Governor General in Council is taking power under the rules—I would refer my friend to sub-clause (a) of clause 23—to prescribe the manner in which the export quotas of tea estates shall be determined. This, Sir, is a matter of domestic regulation which is subject to the power of control of the Governor General in Council, and I said in the course of my remarks when moving that the Bill be considered, that the Government were most anxious to safeguard the interests of the Indian producer, and my friend may rest assured that the suggestions which he has read out will be most carefully considered, and that, so far as there is any legitimate grievance in the matter, Government will endeavour to have it re-

dressed. I hope that that is an assurance which is satisfactory to my Honourable friend with regard to this matter.

The second point of my Honourable friend was that there shall be sympathetic consideration given to applications for extensions of certain gardens. As regards that, my Honourable friend will observe that there is a governing limitation under the agreement, namely, that extensions are to be subject to a limit of half per cent. of the area under tea on the 31st March, 1933. Now, the parties to the agreement—I am talking of countries other than India, namely, Java and Ceylon,—look upon that as a vital condition, so it is not possible for Government to promise that that limit will be exceeded. But subject to that limit, my Honourable friend may rest assured that the claims of those who are in the greatest peril will have the first consideration, and the most sympathetic consideration.

The third point was as regards the representation of the various interests. I am afraid I did not have timely notice that my Honourable friend was going to make this suggestion for amendment of the constitution of the Committee, but I would bring to his notice certain considerations. As regards South Indian plantations, the position is that South India includes not only Madras but also certain Indian States. We cannot legislate for areas outside British India. That is why power has been given to the Local Government and not to a general electorate to choose Indian representatives. I believe that as regards Assam also the position is that this appears to be the best method of securing proper representation because the Indian producers in the two valleys mentioned by the Honourable Member are not adequately organised. But I would say this for my Honourable friend's satisfaction that we propose to put the suggestion to the Local Government,—not that under the Bill, if it is passed, it will be possible for them to have recourse to election,—that they might make their nominations in consultation with any representative Indian organisation of the industry that might exist. I would also like to mention that both the Ceylon and the Dutch Governments have already passed legislation to implement the agreement. We are the only Government who, because of the programme of our legislative business, have not been able to do so. If there is any delay in placing this Bill on the Statute-book it might have an unfortunate effect upon the tea market which has been showing very healthy signs indeed since the agreement was announced. I hope, therefore, that my Honourable friend will not press his motion and that we shall be able to put this legislation on the Statute-book without any more delay.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : I rise to support the motion moved by my Honourable friend, Mr. Bajpai. The export restriction scheme to which this Bill seeks to give legislative sanction is a very well thought out scheme, but it has its attendant dangers and my sole anxiety is that those dangers should be guarded against.

It is an obvious fact that the tea industry is passing through a period of depression. The depression is due to the fall in prices because of over-production, and this scheme is designed to raise prices by restoring as my Honourable friend, Mr. Bajpai, explained the equilibrium between supply and demand. For this purpose the producers in all the tea pro-

[Mr. Abdul Matin Chaudhury.]

ducing countries like Java, Sumatra and Ceylon have entered into an agreement to restrict the export from their respective countries, and this Bill is intended to implement that agreement. With this object I am in whole-hearted agreement. According to this scheme 320 million lbs. have been fixed as the export quota for India. Now the estimated output for the year 1932 is, I believe, 429 million lbs. Now, the question is how the surplus is to be disposed of. The maximum consumption for India is 65 million lbs., while the surplus over the export quota is 109 millions. This will glut our Indian market. Overproduction produced the slump in the tea industry, and this Bill is intended to remedy that evil so far as the export market is concerned, but it will create slump in the Indian market, in an aggravated form. So, the only remedy for this state of affairs is, just as this export scheme is intended to restrict export, there must be some restriction of production also in order to save the Indian market as well.

In this connection I would like to bring before the House one fact with regard to Indian gardens. Most of the Indian gardens I think, practically all in Bengal and Assam, do not export their tea direct owing to the absence of proper banking facilities and having no agency of their own in England or the continent. They sell their tea by auction in the Calcutta market, and that does not fetch them the prices that the direct exporter gets in the London market.

**Mr. E. Studd** (Bengal : European) : May I point out that until about a fortnight ago the Calcutta market was selling between  $1\frac{1}{2}$  to 2 annas above the London market, and therefore the Indian who sold his tea in the Calcutta market got better prices than he would have got if he had shipped the tea to London.

**Mr. Abdul Matin Chaudhury** : Can my Honourable friend assure me that that state of things will continue ?

**Mr. E. Studd** : That, nobody can prophesy, but it is a fact that the prices realised in the Calcutta auctions are still quite as good as the prices realised in England.

**Mr. Abdul Matin Chaudhury** : The position with regard to Indians is that because they do not export directly many of them have to sell their produce in the Calcutta market and the advantages under this Bill are not available to them to the same extent as to the direct exporters. It may be said that the right of export is a right that is transferable and saleable. But it does not mean that it can be easily transferred or sold, and if and when that right is transferred or sold it is not always possible to get a fair price for the transfer of that right. I do admit that this right of transferring and selling this export quota is a valuable right, but it does not solve the difficulty of the Indian planters. The only remedy, as I suggested, is that restriction of production must follow restriction of export, and while I advocate restriction of production I do so with certain reservations. The European planters have been long established in the field and they own extensive acreage. The Indians have come into the field only in recent years and they mainly own very small tiny gardens. If they have also to restrict their output it will affect their very existence. So, I suggest that under any scheme that may be devised for restricting production, at least those gardens which produce about 1,000 maunds or less should be exempted from the operation of this

restriction scheme. I hope the Government will be pleased to tell us how they propose to deal with this menace to the Indian industry on account of the glutting of the Indian market with the surplus of the export quota. I have suggested one method for restricting the output, but I claim no originality for that suggestion. For I understand that the Indian Tea Association has taken up that matter. There is also another suggestion that I would like to make and that is as regards the expansion of the Indian market, to absorb the balance of the surplus quota. The Indian Tea Cess Committee was established in 1903 with a view to increasing the sale and use of tea in India and outside. There is a growing feeling among Indian tea planters, and I think it is shared by some of the European tea planters also, that this Indian Tea Cess Committee devotes disproportionate attention to outside market to the neglect of developing the indigenous market in India. As an illustration, I might refer to the money that they are spending on American propaganda. They are spending £40,000 a year for propaganda in America and the result has been that in the year 1931 the export to the United States of America was reduced by 100,000 pounds. From the year 1888 to 1908 Ceylon carried on a propaganda in the United States of America. They spent £12,000 a year and they had to give it up because the result was not satisfactory, but the Indian Tea Cess Committee does not seem to have profited by the experience of Ceylon in this matter. As regards the possibility of the Indian Market, I should like to read out to the House the opinion of the Imperial Economic Committee on Tea. This is what they say :

“ As the greatest among the exporting countries, India is the most severely affected by the present necessity for an expansion of the market, and it is therefore important to realise that no market in the world offers such ultimate opportunities for an increase in tea consumption as India itself.”

Further on they say :

“ This market at India's own door may yet prove the answer to the problems of the industry. While the slowness of the Russian recovery is one of the principal causes of the present depression, India may perhaps provide the remedy.”

I should like the Tea Cess Committee to devote greater attention to India than they are doing just at present. With regard to the amendment of my friend, Mr. Mitra, for the reference of the Bill to the Select Committee, I am very anxious that this Bill should be passed this Session. I have received telegrams from planters in Jalpaiguri, from Assam, from the Surma Valley and from all parts of Bengal urging us that passage of this Bill should be expedited because otherwise it would be disastrous to the industry and my friend, Mr. Mitra, has himself said that his intention is not to delay the measure. He only wants an assurance that in the rules special provision should be made for the gardens started after 1925, with regard to making generous allowance for young clearings. I hope, Sir, that in making the rules this point will be borne in mind.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhannadan Rural) : I support the principles of the Bill but I should like to draw the attention of the Honourable Member to one or two points. India is a peculiar country. The conditions here are different from the conditions in other countries. In other countries the conditions of production are uniform. Here we have got companies managed by Europeans, companies managed by Europeans and Indians combined, companies managed by Indians alone, companies managed by individuals and above all the very small farms which are just springing up in the

[Dr. Ziauddin Ahmad.]

nature of enterprise. This Bill appears to me to amply safeguard the interests of the big planters. All those persons who have just started their business have, to my mind, not been sufficiently safeguarded. Perhaps in the rules their interests will also be safeguarded. The other point is that the rules are not so important really as the methods by which the rules are put into practice. The manner in which the rules are carried out is much more important than the rules themselves and we should like to know whether the committee or any other body which will come into existence by virtue of this Bill will really exercise the powers conferred by these rules impartially and in the interests of the small planters and I think that in making the rules this point might be considered. Any person who is not satisfied with the decision of this committee, which might be set up, may perhaps appeal to a small committee which might be set up by the Government at their Headquarters. This can conveniently come under the rules, the framing of which is not really the business of the Legislature. Therefore when the Government frame the rules, they should see that the rules are not enforced to the disadvantage of the small tea planters. I hope that a copy of these rules will also be laid before the Legislature. The next point to which my friend, Mr. Abdul Matin Chaudhury, has drawn attention is the lack of propaganda in India. It is really much more important than propaganda outside. Propaganda outside may be useful but the propaganda in this country is still more useful. For some years ago after this committee came into existence they carried on a propaganda in every village and even village tradesman had stock of loose tea to sell in small quantities. All that has disappeared on account of the indifference of the Cess Committee. It is rather important that we ought to provide the Home market for over production and the only way in which we can do this is to have a large number of travelling agents and see that tea is available for sale even in small villages. This will increase the sale and find a market for the overproduction stock of tea of which Mr. Abdul Matin Chaudhury has already spoken. I hope this point will also be looked into. I emphasise once more that the safeguards of the interests of the small tea planters will be provided for in the rules and sufficient money will be spent in India for home propaganda.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I have two matters in my view in speaking on this Bill. One is the interests of the consumer and the other is the interest of the small interests who are dealing in tea. I know that the bigger interests will take care of themselves. I note that an assurance has been given by Mr. Bajpai for whom I have regard and in whose assurance I have great faith. He said that this Bill is intended to vouchsafe the small interests and I think that in these days it is the small interests which should be protected first. As a result of the depression that is going on, these small interests are suffering. On account of the price being very low, the small interests are giving up their undertakings. It is very good for the consumer that the price has gone down from 9 annas to 4 annas. This is specially helpful to people who take tea and India has now been taking more tea than it used to do. Some do it on account of necessity and some out of a mere fashion that is going on now-a-days. What I am submitting is this that if the interests of the smaller traders are protected there is no reason why we should not agree to this arrangement. Sir, in support of what the Honourable the

Mover has said I find that in the Statement of Objects and Reasons it is said :

“ The results of a referendum issued to all known estates have been examined and it appears that over 92 per cent. of the industry, reckoned in terms of production, have expressed themselves in favour of the scheme.”

Sir, we are not, at any rate I am not, so very familiar with this trade business that I can offer myself any opinion. In that case we have certainly to rely upon those who are interested in it and who deal in it. Here is a statement that 92 per cent. of that industry have consented to the scheme. Then, Sir, it is further said :

“ The Governments of Madras, Assam and Bengal, within whose jurisdiction bulk of the tea in British India is cultivated, are prepared to restrict the issue of fresh leases for tea cultivation and have also agreed to the restriction of planting of areas already leased.”

Therefore we have got an assurance but I must say that this referendum and these opinions should have been given to the House in which case we should have been in a position to judge for ourselves. And I believe it is with that intention that an amendment has been moved for a Select Committee. If a Select Committee is appointed and all these papers and referendum are placed before them we will be fortified in giving our strong support and giving it without doubt or suspicion. But it appears that the object is to pass this Bill speedily through this House and it is pointed out that the people who are concerned with it have actually wired that this scheme should be accepted and that it should be given effect to. I therefore hope that the rules to be made under this measure will be made in consultation with those who are concerned in it, because we know that when an Act is passed here many a time all the good principles are whittled down by the rules framed under it and it sometimes deteriorates. Therefore I submit that rules should be made in consultation with those persons who are interested in this. I would in the end put two questions to my Honourable friend for my own information. I should like to know if the Honourable Member is really in possession of facts to show that since this price has gone down the smaller interests have actually suffered to this extent that they have given up their business or their cultivation of tea. The second question is whether the committee, that is going to be appointed, will have also power to fix the rates of the tea or whether it will be beyond them. These are the two points that are necessary for deciding the question that I have placed before the House, namely, the interests of the consumer and the small interests concerned.

**Mr. F. E. James** (Madras : European) : Sir, I should like in a very few words to associate myself with much that has been said by my Honourable friends, Mr. Mitra and Mr. Abdul Matin Chaudhury. This Bill gives legislative sanction to what is the first attempt in this country by any large industry at what is called planned economy. And I think it represents an example to other industries which they might well follow. But I suggest that in any such scheme there are three important questions which should be regarded both by the industry and by Government itself. While the scheme of planned economy may include a proposal to restrict exports of a particular production, great care should be taken to see that the smaller interests involved in that industry are protected. Now, my friend, Mr. Abdul Matin Chaudhury, has spoken, and so has Mr. Mitra, of small interests in Bengal and elsewhere which are in Indian hands. I have received similar representations to those he has mentioned from

[Mr. F. E. James.]

small concerns in South India which are in Indian hands and in European hands and in Anglo-Indian hands. There are a large number of small owner-proprietors of estates, particularly in the Nilgiris, and they are very anxious that in connection with the scheme for regulation of exports those who have invested money in gardens recently and whose continued existence may be imperilled by the operation of this regulation scheme should receive very special consideration at the hands of Government and at the hands of the committee. I therefore entirely join with my friend, Mr. Mitra, in asking that we should get some assurance from Government on this point.

Then, Sir, the second point that has been made by Mr. Abdul Matin Chaudhury is that there is little use in a regulation of exports scheme unless at the same time there is a scheme for the restriction of crop. I agree with him that the latter scheme is a corollary to the first and I also agree with him that in such schemes which may be proposed,—and I understand one is now under consideration, perhaps Mr. Miligan will give us that information later on,—special attention should be given to the small gardens which are in the hands of many of my friends and which depend entirely upon the local market for the disposal of their product.

And then the third point which was made, again by my friend, Mr. Abdul Matin Chaudhury, was in regard to the increase of the consumption of tea in this country. In any scheme of planned economy not only must you regulate exports and restrict production but you must take steps to increase local consumption. And I join on behalf of the United Planters' Association in Southern India with my friend, Mr. Abdul Matin Chaudhury, when he says that in the past the Indian Tea Cess Committee has spent far more money in the United States than the results have justified. Therefore I trust that the industry concerned will, as part of this general scheme of controlling its own production and export, take steps to increase as far as possible in the near future the consumption of the greatest market which it possesses, namely, the market at its very doors. If we can get that sort of assurance from the Government and the industry, I assume that my friend, Mr. Mitra, would be willing to withdraw his motion and expedite the passing of this Bill into law.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, in view of the general support which this measure has received it is unnecessary for me to detain the House for long. Lest there should be an impression that this measure is not approved by Indian tea interests, I should like to read just two or three telegrams which I have received recently. Here is one from the Indian Tea Growers' Association of Silchar :

“Strongly urge passing Tea Exports Legislation current Session otherwise tea interest will be imperilled.”

Another from the Secretary of the Terai Indian Planters' Association, Darjeeling :

“My Association strongly support export regulation and restriction scheme and urge tea control Bill be taken up during current Session.”

Another telegram from Jalpaiguri says :

“Indian Tea Planters Association generally approves provisions of tea control Bill introduced in Assembly would strongly urge for passage this Session.”

**Dr. Ziauddin Ahmad :** Please mention the name of the sender.

**The Honourable Sir Joseph Bhore :** These telegrams are from Associations. My Honourable friend, Mr. Mitra, I think, voiced a general feeling in the House that the small garden proprietors should not be prejudiced. I am entirely in agreement with him and I think we have taken special steps in this legislation by retaining powers to ourselves to see that those smaller interests are really safeguarded. In reinforcement of the assurance which my Honourable friend, Mr. Bajpai, has given and which I think has already satisfied the House, I would once again assure the House that if we are satisfied that any procedure under this Act is bearing heavily and unfairly on any section of the industry we shall most certainly consider the matter and shall not hesitate to make the necessary alterations in that procedure. There is very little further for me to say. I should like to refer to just one or two points raised by my Honourable friend, Mr. Abdul Matin Chaudhury. It is quite true that this restriction scheme may, by throwing larger quantities on the home market than at present, have a depressing effect on prices, but I would suggest to him that that very fact may prove a blessing in disguise and that it may help to popularise the use of tea in that enormous market at the very doors of the industry. May I suggest to those, who are interested, to remember the Biblical injunction to "cast your bread upon the waters and it will return to you after many days".

The only other point is the suggestion that Government should consider a scheme to regulate the production of tea. If the industry as a whole should put up any practical and workable scheme, I can give my Honourable friends the assurance that Government will most carefully consider it. I have nothing further to say beyond expressing the hope that my Honourable friend will withdraw his amendment.

**Mr. S. C. Mitra :** I am thankful to the Honourable the Leader of the House and to Mr. Bajpai for their assurance and I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration."

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 20 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 21 stand part of the Bill."



**Mr. J. A. Milligan** (Assam : European) : Sir, I rise to move the amendment that stands in my name :

“ That in sub-clause (2) of clause 21 of the Bill, after the words ‘ in pursuance of the purposes of this Act ’ the following be inserted :

‘ and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally ’. ”

This amendment speaks for itself. The wording of the clause as drafted restricts the right of the Committee to spend money only on objects which are mentioned in the Bill itself. The Bill makes no mention of the International Committee which was established within the last few days and that International Committee will depend on subscriptions from Java, Ceylon and India. Therefore this amendment has been considered essential. I move.

**Mr. G. S. Bajpai** : Sir, I accept the amendment on behalf of Government.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (2) of clause 21 of the Bill, after the words ‘ in pursuance of the purposes of this Act ’ the following be inserted :

‘ and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally ’. ”

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clauses 22 to 35 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. S. Bajpai** : Sir, I beg to move that the Bill, as amended, be passed.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I wish to make a few observations. I did not interfere while the discussion clause by clause was going on. This Bill has proved that the Ottawa Agreement is a failure. The Ottawa Agreement came into existence in order that the countries in the British Empire should rally round and adopt differential tariff to exclude other foreign States. Sir, while the Ottawa Committee was sitting at Delhi over which my Honourable friend the Leader of the House presided, the representatives of the tea industry were approaching the Honourable the Commerce Member about certain negotiations with certain foreign countries. I do not understand how the industrialists in India, who supported the Ottawa Pact, can discriminate between the various countries of the British Empire and within a few days can enter into negotiations with the Government of Java. Of course, it is well understood that the capitalists want to have everything in their own way. In one breath they wanted to ban the foreign teas from entering into British market or for the matter of that of the Empire market, and in the other breath they were negotiating with the Javanese people in order to restrict the protection so that tea can fetch a higher price. I only want to point this out to

those who were so cock-sure at the time that the Ottawa Pact will bring large resources at the disposal of the British Empire, particularly to the representatives of the tea industry. My friend, Mr. James, is not here but he was very vehement in saying that the tea industry of India will profit enormously. If that was so, why are they entering now into this false pact with a foreign government like the government of Java? I know it is not in the domain of my Honourable friend, Mr. Bajpai, to answer to this point which I have raised but I do hope that the Honourable the Commerce Member who in season and out of season is so emphatic in his assertion that the Ottawa Agreement has benefited enormously the British Empire and the Indian Empire, will now say that the Ottawa Pact has failed to benefit the producers.

**The Honourable Sir Joseph Bhore :** Sir, I do not wish to say anything except this that if my Honourable friend can not understand a patent fact, nothing that I can say will possibly cause the light to dawn on him.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

#### THE FACTORIES BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, my Honourable colleague, the Finance Member, in introducing the Reserve Bank Bill, told the House that it was the most important measure he had placed or would be placing before it during his term of office. I might have made the same claim for this Bill, for I do not think it will probably fall to my lot to ask the House to consider a measure of greater importance than this. The House may think that, in speaking of this Bill and the Reserve Bank Bill in the same breath, I am comparing great things with small. That may be so, but I myself am not prepared to admit that it is. I contend that it is as essential that the industrial development of the new India should be based on a contented labour as it is that its financial development should be based on a sound system of credit and currency, and I am convinced that this Bill should do much to bring about that contentment.

I have already given the House an account of the development of the Bill and it is unnecessary for me to cover that ground over again. There is, however, one stage in that development which I omitted to mention when I last addressed the House on this subject. I am glad to have this opportunity of acknowledging the valuable assistance my Department and I received from a Conference we had with the Chief Inspectors of Factories with whom we discussed the measure in detail last month. It is they on whom will fall the burden of administering

[Sir Frank Noyce.]

the new Act and it is for this reason that we thought it desirable to consult them before placing the measure before this House. I would remind the House that although I am asking it to appoint a Select Committee now, it is not proposed that the Committee should meet until January. I have no doubt that if the House agrees to this motion, the Members appointed to the Committee will use the interval carefully to study the questions involved. As I said previously, my Department will be very glad to provide them with a very plentiful supply of literature on the subject.

This Bill embodies a mass of detail. There are, I think, over 70 clauses in it and, in asking the House to send it to a Select Committee, I should like to make it clear that I am not asking the House to commit itself to all and every change in the law that it involves. It is, I think, sufficient that the House should be satisfied that the law relating to labour in factories requires revision and as to that I do not think there can be two opinions. The Act which forms the frame work of the Bill that we are now submitting to the House was passed as long ago as 22 years, when factory industries were far from the state of development they have recalled today ; and when many of the problems now facing us were unexplored or even unknown. Extensive amendments were made in 1922, and there have been no less than three other amending Acts since then. As a result, few of the more important provisions of the 1911 Act survive in their original form. The present Act, it is not going too far to say, is a thing of shreds and patches, and it stands in urgent need of consolidation and also of clarification. But that is not the only need. Government have been aware of defects in the law in certain directions for a number of years past. We have realised, for instance, that the Act gives inadequate protection to workers in respect of safety, health and comfort. Experience of its working has revealed other defects and weaknesses. Further, it countenances hours of work, which, I think every one, even those who are not in favour of immediate change, realises, cannot be regarded with equanimity as a permanent feature of Indian industry, but which represented the limit to which it was thought desirable to go when the provisions in question were enacted.

Finally, the work of the Whitley Commission which probed more deeply into this subject than Government have naturally ever had an opportunity of doing, not only brought to light the need for other changes, but gave valuable guidance towards the framing of a new law. As I am not asking the House to commit itself to any particular provisions of the Bill, even those which relate to hours, it is not, I think, necessary for me to discuss those provisions in detail. I hope that, in respect of, at any rate, most of the sections, the Statement of Objects and Reasons affords a sufficient explanation.

I should like to deal specifically if very briefly with one clause, clause 35, which relates to the weekly hours of work, for it is in regard to that clause that I think there is, to say the least, a considerable possibility of some diversity of opinion. Briefly, our proposals are that, in seasonal factories, the limit of 60 hours should remain ; continuous process factories should be allowed a 56-hour week, which is the normal

limit in such factories at present ; in the other non-seasonal factories, the week should be ordinarily limited to 54 hours. This, it is important to remind the House, was the limit already observed by the majority of the factories to which it is proposed to apply it. But there is a large minority of factories which still work up to the 60 hours limit. This minority includes the bulk of the mills in that very important industry, the cotton textile industry. Now, I should like to state the reasons which have led me to the view that this limit, if it were enforced, would be to the advantage both of industrialists and of workers. So far as employers are concerned, it seems to me that, as I have already indicated, stability in any industry must be dependent on a reasonably efficient and contented labour force. It is impossible to my mind to build a sound industrial structure in India or for that matter in any other country, on a foundation of inefficient work. It is unreasonable to expect any high degree of efficiency or any high degree of contentment from men who have to spend ten hours a day—indeed it amounts to eleven hours if the rest interval is included—within the limits of a factory. Shorter hours are, in my view, an essential condition for any substantial advance in efficiency. Further, I would remind the House that there has recently been a very radical change in the labour position. Formerly there was a constant scarcity of labour and many employers were, therefore, naturally anxious to keep the men they had at work as long as possible. Now, we have the spectacle,—to my mind a regrettable and pathetic one—of men sitting idle outside the factory gates, unable to get work, whilst others inside are required to work an unduly long period.

Turning to the workers, I recognise that for many of those in employment, that is those who are working a longer day, the reduction in hours must mean a definite sacrifice. Industry today in India is unfortunately not in such a position that, if production is reduced, it can pay the same wages as it did before, and until workers can make good this reduction by more intense labour, they must face a reduction from the level of earnings prevalent in the last few years. On the other hand, prices have fallen greatly, and any reasonable reduction that would be required on this account, would not bring the workers' purchasing power below the level of only a few years back. There are indeed signs that, in certain industries, particularly in the cotton textile industry, the employers are endeavouring to secure a reduction in wages before any reduction of hours has been offered or enforced. I believe that even from the point of view of those in employment a reduction in earnings would be a reasonable price to pay for a reduction in toil. The man who spends eleven hours a day in a factory throughout the year cannot be said to live at all. He is a machine and he has not the efficiency of the machine nor has he the incapacity of a machine for suffering.

But these are not the only facts that deserve consideration. There is a considerable measure of unemployment. Many men are idle. Many others have their lives shadowed by the fear of idleness. To the one, reduction of hours would bring new prospects ; to the other, greater security.

Now, I would conclude with a special appeal—and I much regret that my Honourable friend, Mr. Mody, is not here today to give the

[Sir Frank Noyce.]

House the point of view of the industry he so ably represents. Nothing would give me personally greater satisfaction than to find that in the time between now and the meeting of the Select Committee this issue has ceased to be a live one, because the principal interests concerned have agreed to accept the shorter hours. At present, as I said just now, there is only one industry which stands in the way, the cotton textile industry, and I am certain that, if the leaders of that industry would fall in line with the proposals embodied in this Bill, there would be little opposition from any other quarter. It is an industry on which re-organisation or, to use the more modern term, rationalisation has been long urged from various parts of this House and by important sections of public opinion outside it, and in which the need of increased efficiency all round is paramount. I venture to express the earnest hope that in the months that remain before the Select Committee meets, it may find itself able to introduce voluntarily a system which, after the initial adjustments have been made, will, I am certain, conduce to the benefit of all concerned, and will give new hope to its many supporters and friends. I realise very fully, and, as the House knows, I can claim some special knowledge of the industry, the difficulties against which it has to contend, especially in its most important centre, Bombay, in effecting a change of this character owing to the absence of leaders who can speak with any responsibility on behalf of labour. But I cannot believe that the ability and energy which built up that great industry are still not present today in such ample measure that they will enable it to make the concerted effort necessary to overcome those difficulties.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. T. N. Ramakrishna Reddi** (Madras ceded District and Chittoor : Non-Muhammadian Rural) : Sir, I want to suggest a small amendment. I propose that, in place of my name, the name of Mr. K. P. Thampan be substituted.

**The Honourable Sir Frank Noyce** : I have no objection.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, I rise to support this motion. It is very satisfactory to notice that labour legislation has become a regular feature of the Assembly Session. During the last 12 months, we have passed the Tea Districts Emigration Bill, Pledging of Child Labour Bill, Payment of Wages Bill, Land Acquisition Bill and the Workmen's Compensation Bill. Now, there is another very comprehensive measure to amend and consolidate the labour legislation in India. This measure, Sir, marks an important land mark in the history of labour legislation in India. I do not know if the House realises that behind this steady flow of labour legislation from the Department of Industries and Labour, there lies the unremitting and unobtru-

sive work of my friend, Mr. Clow, and I want to take this opportunity of paying him my tribute of appreciation and admiration for the work which he has been doing for the amelioration of the conditions of labour in India.

Now, Sir, I should like first of all to deal with the scope of the Bill. This Bill deals with factories, and the factory is defined as a premise in which manufacturing process is carried on with the help of not less than 20 persons. But I should like to see this definition extended in the direction of reducing the numerical limit. I may remind the House that, as far back as 1877, when the first draft of the Factories Act was made, it included a wider definition of a factory. There a factory was defined as an establishment in which certain manufacturing processes were carried on quite irrespective of the number of persons employed, and now, Sir, more than half a century later, the Government of India seem to be content with a definition which limits the factory to an establishment employing not less than 20 persons. The need for the revision of the Factories Act is very urgent. In the evidence that has been adduced before the Royal Commission on Labour, witnesses have pointed out that the conditions in unregulated factories are generally worse than in the factories which come under the operation of the Factories Act. In these factories, the buildings are usually insanitary, and in the buildings themselves, ventilation is very insufficient. Many of these factories work for unlimited hours, they employ children of tender age and working conditions are prejudicial to health and safety of the workers. It is, therefore, necessary, Sir, that as large a number of factories as possible should be brought under the operation of the Factories Act. Sir, as a particularly flagrant instance of unregulated factories, I may cite the instance of *bidi* factories working in Madras. The conditions there are revolting. In view of these conditions in the *bidi* factories in Madras, the Madras Youth League started an inquiry into the conditions of labour in these factories, and the report of their inquiry has been incorporated in the evidence volume of the Report of the Royal Commission on Labour. I should like to read a short extract from that Report to show the conditions prevailing in the *bidi* factories in Madras. This is what it says :

“ In short, the condition of the boys in these factories is nothing short of slavery of the worst type. In the course of our surprise visits, not infrequently did we meet with the horrid of boys with their feet chained to logs of wood. On inquiries we found that this practice was quite common and was intended to keep the boys at work and not skulk away earlier than the master was inclined to let them go. And in some of the factories we actually saw the boys being subjected to corporal punishments of the most severe type, even for such ordinary acts of negligence as late coming or absence from work for a day or two. In one factory in Triplicane, which we happened to visit quite often owing to the proximity to the office of our League, with tears in our eyes, times out of number we stood aghast and wondered within ourselves whether nothing could be done to save these boys from the clutches of that inhuman and brutal task master. In the factory we are referring to, the manager just in the hottest part of the day takes up a cane and goes on indiscriminately thrashing every boy in the factory. For what fault of the boys ? For no fault. Simply because the manager of the factory apprehends that the boys may be inclined to feel drowsy and therefore his work is likely to suffer if they are not whipped up to activity with the help of the cane. This is a daily occurrence. We ask whether a similar treatment of children of school going age can be found in any civilized country ? What has the Government been doing ? What is the Labour Department for ? Is it not the duty of the Government to save these children from the perdition in which they are now placed ? ”

I want, Sir, that factories, where conditions like these prevail, should be brought under the operation of the Factories Act, quite irrespective of the number employed.

[Mr. Abdul Matin Chaudhury.]

There is another direction, Sir, in which I should like that the operation of the Act should be extended. Mr. Adams, the Chief Inspector of Factories in Bengal, in his memorandum before the Royal Commission on Labour, suggested that the workers in docks, jetties, and railway sidings should also be included under the Factory Act. His argument was that their work involved great hazards, and there was no reason why these workers should not get the benefits of the protection which is given to workers in factories. I hope, Sir, the Select Committee will give due consideration to these suggestions. So much, Sir, about the scope of the Bill.

Now, the most important change that has been made in the Bill is with regard to the hours of work. At present the legal hour is 60. In the Bill, it is proposed to reduce the hours to 54. I may remind Honourable Members that when the Washington Conference adopted 48 hours for workers for all industrial countries, 60 hours limit was fixed for India having regard to the special condition that is supposed to exist in this country. Now, Sir, many industrial countries have adopted the convention of 48 hours a week. This recommendation of the Royal Commission of 54 hours a week is not an unanimous recommendation. My friend, Mr. Joshi, and Mr. Chaman Lall and Mr. Cliff have supported 48 hours a week for India. Now, whatever justification there may have been for the recommendation of the Royal Commission of 54 hours a week, I think, as the Honourable Member in charge has pointed out, circumstances have changed since the Commission made its recommendation. A normal industrial condition was the basis of the recommendation of the Royal Commission, and that normal condition has been disturbed very seriously by the world wide depression. It has aggravated the problem of unemployment, and also the question of reducing the hours of work has become a burning question with the workers all the world over. This question is now being examined not merely in its social aspect, to afford more leisure to workers, but it is being seriously considered in its economic aspect as a means of relieving unemployment. Considering the gravity of the situation, the International Labour Conference at Geneva summoned a Tripartite preparatory Conference in the early part of this year to deal with this question. I think in that Conference all the States except India were represented, and there they passed a resolution recommending 40 hours a week as a means of relieving unemployment. I am not going to discuss the social consequences of unemployment or its pernicious effects. But I think it will be generally recognised that every effort should be made to afford opportunities of employment to as large a number of workers as possible. In every country very serious efforts are being made to collect statistics about unemployment and to deal with this problem. In our country the unemployment is chronic; is on a titanic scale, and it baffles statisticians, and it is necessary that the problem of reducing hours of work should be viewed, not merely as a temporary expedient, but as a permanent measure. While the whole world is moving towards a 40 hours a week, I think the Government should give serious consideration to our suggestion of at least making 48 hours a week for India. Here I want to anticipate one argument which is usually employed by the employers with regard to the reduction of the hours of work. It is always urged that the reduction of hours of work should be accompanied by a reduction in wages also. The Labour Commission, which recommended a reduction in the

hours of work, did not recommend a simultaneous reduction, in wages also. Reduction of wages means a reduction in the purchasing power of the worker ; it means a reduction in his standard of life ; and surely, this is not the object with which the Factories' Act is being amended. The Geneva Conference, which dealt with this problem, have specifically recommended that in any measure, that might be adopted for giving effect to 40 hours a week, the standard of life of workers must be maintained.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : May I just enquire from my Honourable friend whether he does not wish to accept a reduction in wages of workers in view of the low level of prices prevailing in the country ?

**Mr. Abdul Matin Chaudhury** : Just to show how higher wages are compatible with reduced working hours, I may draw the attention of my Honourable friend, Mr. Das, to what is happening in America today. They have passed the Industrial Recoveries Act, and General Johnson has been appointed the Administrator of that Act. He has called upon all industries to furnish codes for increasing wages and reducing the hours of work. The first code that has been produced under that Act is the Cotton Textile Code, and, under that code, the wages have been increased by 30 per cent., and the hours of work have been reduced by 25 per cent. Again, in the case of the steel industry, they have fixed working hours at 40 hours a week. When it was suggested to General Johnson that he should adopt 48 hours a week, he refused to consider that proposition and said it was too long. In view of all these facts, it sounds like an anachronism to suggest 48 hours a week for India, but, our conditions being what they are, we should be grateful if even this modest suggestion of ours is adopted.

Coming next to the question of health and safety, it is satisfactory to find that the Government have invested the Factory Inspector with power to adopt measures for mitigating excessive temperature in factories. It is also satisfactory that they have given power to the Local Government to demand a certificate of stability when new buildings are constructed or any structural alteration is made. But I have not been able to understand why the Government have declined to give the Local Government power to issue welfare orders. The Royal Commission was very much impressed with the usefulness and efficacy of these orders from their experience in England and they recommended that the Local Government should be given power to issue welfare orders in matters pertaining to the welfare of the workers. The reason given in the statement of Objects and Reasons is unconvincing. With regard to health and safety, there is another amendment that I should like to suggest in the Factories' Act, which has not been made—I am referring to the question of compulsory provision for maternity benefit. In the Bombay Presidency, the maternity Act is in force.

**Mr. A. G. Clow** : (Government of India : Nominated Official) : And elsewhere.

**Mr. Abdul Matin Chaudhury** : In the Central Provinces, I understand, the one non-official Member introduced a Bill, but I do not know if it was passed there. In the Bihar and Orissa Council a non-official Resolution was passed by that Council to the effect that compulsory maternity benefit should be introduced. In this House also, my Honourable friend, Mr. Joshi, introduced a Bill which was unfortunately thrown



[Mr. Abdul Matin Chaudhury.]

out on the second reading. Employers like Sir Sorabji Mehta and the Government of Madras favour an all-India legislation for compulsory maternity benefit, and I think provision should be made for that either by an amendment of the Factories' Act or by another separate all-India legislation. These are some of the points that I wanted to raise at present. As the Bill is going to be referred to a Select Committee, I reserve a more detailed criticism for that occasion.

**Mr. G. Morgan** (Bengal : European) : I must congratulate the Honourable Member in charge on the clear way in which he has placed the provisions of this Bill, before the House. At the outset I would say that I welcome this Bill as there is no doubt the time has come for a revision of labour conditions. I need not go back to the days when the last labour legislation was passed ; the world has changed so considerably since 1929, economic conditions have changed so enormously that the employers have at last come to the conclusion that labour is human and that labour cannot be utilised merely as a machine and wages paid simply on the number of people who come forward for employment, and the lowest wage possible given. That, I think, has entirely changed at the present day.

My Honourable friend, who has just spoken, has drawn attention to the position in the United States of America. There it is rather different. There, there is the idea of partnership between the employers in the industry and the Government in the first instance. The industry itself has to put up what it thinks it can do in the way of wages, labour, and so on ; the Government criticise their scheme and, if they are satisfied, they accept it. If not satisfied, the Government put up proposals of their own and they both come to an arrangement. However, it is impossible to work on those lines in India at the present moment, but, at the same time everything is tending to a reduction of the hours of labour, and a very important chapter in this Bill, Chapter IV, deals with that subject. My Honourable friend, the Deputy President, mentioned the Washington Convention. Now, the difficulty, with regard to the Washington Convention and other conventions of that description put forward by the International Labour Bureau at Geneva, is to get all countries to agree to them. Unless all countries work more or less on a comparative basis, it is very difficult for one country or two countries or three countries to say " We will work so many hours " when the other countries say : " We will work as long as we like ". We cannot complain, if their costs are so low, that they compete with the products of our industries which are working on a lower scale of hours. At the same time I feel so strongly about the hours of labour, it is to be hoped that the other countries will adopt the attitude which many countries have adopted, that labour cannot work the hours that it has been working in the past.

**Mr. B. Das** : Which countries, do you mean, China or Japan or European countries ?

**Mr. G. Morgan** : At the present moment, Japan has not ratified the Washington Convention and we are up against  
3 P.M. various difficulties with that country at the present moment. I am not quite sure whether I caught the remarks of my

Honourable friend, the Deputy President, correctly, just now about machinery. I understood him to say something about the regulation of machinery. If that is so, it is a point which will probably be brought forward in the Select Committee. I do not want to stress it at the moment, but under present conditions it is very evident that some steps may have to be taken in that direction. The Honourable Member in charge made a very pointed remark when he said that without an efficient and contented labour force, employers could not expect their industry to flourish, and I should like to endorse that with all the emphasis at my command. This Act provides for the safety, regulation of hours, and so on, which will go a long way to build up an efficient and contented labour force. There is no doubt that 10 to 11 hours a day of work for labour is too long and, if it were possible to come to an unanimous agreement among employers of labour throughout the world for shorter hours of work, it would be very welcome, but I must emphasize the fact that it cannot be done only in isolated cases, unless we are prepared to run the risk of our industries being so competed against that they cannot continue to work. I would like to endorse the remarks which fell from the Honourable Member in charge and express the hope that the cotton textile industry will really do their best to ameliorate the conditions of labour in that industry. The days are gone when labour was treated purely as a machine. Labour must be treated as human and employers must do their utmost to give labour a fair wage in return for its work, which must be regulated in accordance with prices and living expenses. I do not want to go into details which will be thrashed out in the Select Committee. There is no doubt that Chapters IV and V are a great advance in the legislation for labour in India and the provisions of Chapter III do the utmost to safeguard the health and safety of the workers in factories. With these remarks, I support the motion for Select Committee.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I join my friend, Mr. Morgan, in congratulating the Honourable Member in charge for having ushered in this important piece of legislation which is designed to secure humanitarian conditions for the labour population working in factories. I also associate myself with the remarks which fell from the Honourable the Deputy President when he coupled the name of Mr. Clow in connection with the labour legislation which has emanated so many times from the Department of Industries and Labour. My Honourable friend, the Deputy President, has subjected the provisions of this Bill to an exhaustive criticism, and he is quite competent to do so having made a special study of the subject. I do not want to cover the ground which has been traversed by him, but I recognise that this piece of legislation is an advance upon the present state of things so far as the labour conditions in this country are concerned.

This Bill provides among other things for the medical inspection of the workers, and the proper ventilation of the premises where the workers are employed. Clause 18 refers to the provision of cooling apparatus, and clause 19 seeks to prevent overcrowding of workers in a labour factory. Clause 21 refers to the provision of adequate water supply, and clause 25 refers to fencing of machinery, and so on. Clause 29 gives power to the Local Government to prohibit a child from work-

[Mr. Gaya Prasad Singh.]

ing in a specified class of factories. This is also a very important provision in this Bill, and is calculated to secure the health and the well-being of young children who are made to work in the factories at a very early age. With regard to clauses 35 and 37, I feel that the hours of work is a little longer. I do not know whether it would be possible in the Select Committee to go into this matter very carefully, and to see whether more relief to the labourers could be given in this direction. I am speaking, of course, off-hand without studying the labour conditions in the legislation of other countries. But this is a matter which should be threshed out in the Select Committee.

Now, clause 47 prescribes that extra pay should be given to workers for working over-time or for working on Sundays which are declared as holidays. I am sorry that the cotton textile industry in this country has not seen it fit to introduce wholesome labour conditions in their factories. The warning which has been uttered by my Honourable friend, Sir Frank Noyce, will, I hope, have the desired result, and labour conditions in this industry will generally improve to an extent which will secure adequate humanitarian conditions to the labour population working in factories. This Bill is based on the recommendations of the Royal Commission on Labour. I regret that my friend, Mr. Joshi, is not here as he would have spoken with some authority on the subject. But I find that, on the whole, without committing myself to all the provisions at the present stage, I am prepared to let this Bill go to the Select Committee.

**An Honourable Member :** If you let this Bill go to the Select Committee, you are accepting the principle of it.

**Mr. Gaya Prasad Singh :** Yes, I accept wholeheartedly the principle of this Bill which aims at securing a humanitarian improvement in the conditions of the labour population of this country. I find from the preamble of this Bill that it aims to consolidate and amend the law regulating labour factories ; and the provisions which I have read out are designed to secure improved conditions for the labourers who are working in the factories at the present moment. I, therefore, wholeheartedly support the principle of the Bill. I hope that whatever deficiencies there might be in some of the clauses or whatever other improvements may be deemed to be necessary will be carefully looked into by the Select Committee, and, when the Bill comes out from the Select Committee, I hope, it will be an acceptable piece of legislation in the interests of the labour population of this country.

**Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) :** Sir, I am neither a capitalist nor do I represent labour. I represent the poor tax-payer and consumer. Therefore, I will take a dispassionate view of the whole situation. Since I came to the Assembly, we have been bombarded with all kinds of labour legislation, legislation for restricting the freedom and liberty of the people, legislation for increasing the taxation and the cost of living of the poor consumers. I have not seen a single Member of the Treasury Benches producing any legislation by means of which the people might become more prosperous, by means of which the nation-building departments might be strengthened and also by means of which the economic

condition of the people might be improved. Sir, much has been said and good many Members have posed themselves as the champions of labour. But when they began to define their attitude, they simply concentrated their attention on labour engaged factories and Government Service. But a very large number of labourers in India are really the agricultural labourers and I would like to ask my Honourable friend on the other side of the House what have they done to improve the condition of the agricultural labourers. The number of the labourers in factories is very small not even one in ten thousand as compared to the number of labourers working on the agricultural fields. Now, those people are not getting even one meal a day. You are looking after the health of factory workers so that these persons may not suffer from diseases, but what have you done for the agricultural labourers who are starving in millions? Whenever any question with regard to the agricultural labourers is brought on the floor of the House, the Members on the Treasury Benches remain silent. I would like to say one thing and I don't mean to make any reference to Mr. Clow, for whom I have great respect, not only because he represents my province, but also because he is a brother mathematician and we were contemporaries in Cambridge. I emphasise the fact that the recommendations of Commissions, must be examined on behalf of Government by persons who have neither been members, nor the Secretaries of Commissions. They must be examined by disinterested men. Commissions sometimes take one sided view and outsiders can interpret in the two perspective. As an illustration, I would like to give in example a case given by my friend, Mr. Abdul Matin Chaudhury, about the employment of child labour. But, before I give that illustration, I would like to narrate a story. A person dreamt something and said that half of his dream was correct and half was incorrect. People asked him what his dream was. He said: "One man gave me a slap and also a rupee. But, when I got up, I had the mark of the slap, but the rupee was missing." The same is the case with this question of child labour. Commissions and supporters of labour always emphasise, following the example of Europe, that children should not be employed in labour, but they forget one important thing. In Europe they have compulsory education. Boys are expected to visit ordinary schools and industrial schools, and they are not expected to work in factories. The case is different in India. We have no provision for compulsory education. Places are provided in school for about 7 per cent. of the children, the remaining children remain at home or waste time in unhealthy Societies. So, if you do not employ them in factories, their morals will be spoilt. If you provide schools for them, then I will certainly endorse all these recommendations about child labour. But you provide no occupation for them, no schools, no healthy recreation; yet, at the same time, you come forward and say that they should not even take some work. Then you are not showing any kindness to them. You will be spoiling our children and they will not be good and industrious labourers afterwards. Sir, one very important point has been ignored by all the speakers who have discussed this question. In European countries, the work is done by means of machinery. In India, the work is done by means of hand. The work done by means of machinery in India is infinitesimal as compared to the work done by hand. If you increase the cost of labour, then the cost of production will be increased. Then

[Dr. Ziauddin Ahmad.]:

we will not be able to compete with other countries which are producing in large quantities by means of factories. The next thing which also should be borne in mind is that the strain on a labourer working in factories is much greater than the strain on a man who is working in cottage industries by means of his hands.....

**The Honourable Sir Frank Noyce** : I am sorry to interrupt the Honourable Member, but that is exactly the reason why we are considering this legislation.

**Dr. Ziauddin Ahmad** : The strain is much less in the case of cottage industries than it is in the case of machinery. So it is not fair to apply the same rule about the hours of work in the case of cottage industries to the labourers in these factories.

I should like to draw the attention of the House to clause 5 of the Bill which perhaps the Select Committee might alter. The clause reads :

(1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises whereon a manufacturing process is carried on, whether with or without the aid of power, and whereon, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

Even if you employ ten persons even for one day in a year, then it becomes a factory and all the rules of this legislation will be applicable to it. This is a very hard provision, because we always employ ten persons even in a very small undertaking of domestic nature. Sir, I am not opposed to giving facilities to labour and I do not stand to oppose this measure. But for goodness sake, I do beseech that we should have certain principles on which we should proceed to legislate. In the legislation before us I see lack of principles. What is the principle underlying this Bill ? Do you want to unite all the labour in India and make them work against the capitalists so that there may be collision between the two, capitalists dragging on one side and labour dragging on the other ? Is this the situation that you visualise for this country ? You have planted on our soil a number of western institutions. This tug-of-war between capital and labour was unknown in India before the advent of the British institution. Formerly there were no troubles between the employer and the employee. Their interests were identical and they helped each other as if members of the same family. It is only after the European institutions were implanted in our land that these troubles arose. Hitherto the capitalist and labour were living in peace. The capitalist looked after the interest of labour and the labour worked loyally for the employer. It is only now that the tug-of-war has increased day by day between the employer and the employee. There should be certain principles that should guide us in the matter of this legislation. I submit that we should work on two principles. The first is this. If the labourers work harder and more profit is realised by the capitalists, then the profit should not be the sole property of the capitalists, but it should be distributed proportionately amongst all persons who have contributed to earn the profits. That is to say, the capitalists may have a certain proportion of the profit, say, equivalent to the bank rate of interest or slightly higher, and the balance should be given as bonus to all the persons who were engaged in that particular trade and who helped to secure

that profit. That, I consider to be one way in which this problem could be solved. But no attempt has been made till now in any Legislature so that the excessive profits of the capitalists could be divided among the workmen and others who helped to earn this excessive profit. If this is done, the workers would willingly come forward and do the work cheerfully and thereby reduce the cost of production which will result in the increase of profits to the employers and labourers. That profit will be divided not only by the owners of factories, but also by the persons who help in producing the things. This is one method by which you can really solve the problem of capitalists and labour. Can my Honourable friend, the Labour Member, even think of imposing 48 or 54 hours on himself? The second way in which we can solve the problem is by the method followed by Hitler in Germany. There he is trying to unite capital and labour. It is rather a curious thing that he does not believe in these international labour unions uniting together, nor in international capitalists uniting together. He wants all the people in Germany to unite together, capitalists and labour. I would not preach the example of Russia, because this example, to my mind, is bound to fail. It will never succeed in any part of the world. Some people believe that Bolshevism may find its way into this country. But I never believe that it will. I think Bolshevism will get itself drowned sooner or later in the Baltic Sea. I have got my own reasons for thinking so and, if necessary, I can substantiate what I say. These are the two methods by which we can solve the problem of capital and labour. The method which the Department of Labour is pursuing is not the right method. They are simply following the recommendations of a Commission which they appointed. The Commission has simply copied the drawbacks of capital and labour in European countries and attempted to plant all those drawbacks on our soil. It is a fundamental mistake that the Government, instead of going forward, should be going backward and we ought to be very careful about the methods we pursue in this country in the matter of the solution of the labour problem. We have already had enough of these labour legislations, and let us have some legislation to improve the economic prosperity of our country and let us have some legislation so that we may have our daily bread, which we are not having. Let us have some legislation so that agricultural labourers can get two meals a day which is denied to many. The Government are doing nothing for them. The Government are really raising the cost of production and making life more complicated than it is at present. My Honourable friend may say that if you do not have any legislation, then the workers will go on strike. I submit that this strike is itself a western institution which was unknown to us before the British came to this country. First you have produced a situation and then you want to find a solution.

**Mr. B. Das :** Sir, I wish to refer only to one passage in the speech of my Honourable friend, Mr. Abdul Matin Chaudhury. I congratulate him on his able defence of the cause of labour and I regret that my Honourable friend, Mr. Joshi, is not here to speak on the floor of this House in the cause of labour and put forward his views. My Honourable friend, the Deputy President, said that we in India should follow the American practice and reduce the working hours of the workers and, at the same time, increase their wages. Sir, I do not know if India today or ten years hence or twenty years hence—even if we have a socialist Government as advocated by Pandit Jawaharlal Nehru were set up,—I do not know if India would adopt the American method. I understand the

[Mr. B. Das.]

socialist doctrines of Pandit Jawaharlal not in the way that my Honourable friend, Dr. Ziauddin, does. If I understand Pandit Jawaharlal properly, he wants the income of all people to be equal and that people should adopt the simplicity of rural life. But my Honourable friend, the Deputy President, wants less working hours and, at the same time, higher wages for the working classes. He does not understand why the Honourable Sir Frank Noyce referred to the fact that wages also should be rationalised if in no industry, in the Cotton Textile Industry. Sir, I have no defence for the millowners in this country, but, I submit, if the millowners today are suffering from certain diseases, one of the diseases happens to be the high wages that they pay to their workers.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Is that really so ?

**Mr. B. Das** : That is my view, but I should like to be corrected by my Honourable friend when he speaks. If we look at the index prices of food stuffs and other commodities that the working classes need today, we find that although a few months ago it was almost the same as the pre-war level, today it is something above 10 to 12 per cent. higher. But what are the wages in the factories ? There also the wages have gone very high. I do not say that the wages should go to the pre-war level. That is not my intention. At the same time, I say those high rates of wages came into existence owing to strikes in factories and also high level of prices after the Great War. The wages should be revised and the employers have the right to seek the co-operation of the representatives of labour in India. The labour in India can accept a rational basis of wages so that the industries do really prosper and so that the industries do not come so often to my Honourable friend, the Commerce Member, for protection. If industries clamour for more protection, one of the evils today is that the Indian workers are getting a scale of wages which is not commensurate with the standard of living of all the people in the country and which is not commensurate with the efficiency of the particular industries. Three years ago, we clamoured for retrenchment in all departments. The salaries of high officials of Government were also reduced, but I have not found that the representatives of labour, either in Bombay or Calcutta or Coimbatore or Madras, have accepted or have come forward themselves to say that the price level has gone down and they will accept a low scale of wages. I am not offering any criticism to throw cold water on my Honourable friend, Mr. Abdul Matin Chaudhury, or on the representatives of the workers, but I think the time has come when we have to face fairly and squarely the fact that the high wages that are prevalent in the factories and mills do contribute to the present clamour among the industrialists for protection or for not improving the condition of the working classes or for not reducing the prices of articles produced. My Honourable friend, Mr. Abdul Matin Chaudhury, knows that even the prices of cotton piece-goods are today almost at the same price or 10 or 15 per cent. higher than they were before the war or in the early period of the war. Prices have gone down and the working classes, I believe, are really "national". They do not live on foreign articles, so for them the price level has gone down as low as possible. If we in our daily life have accustomed ourselves to adopt a lower standard of living than we were accustomed to three or four years ago owing to the great economic depression that is affecting the world and India, I do appeal to the

working classes that they will see their way to accept a lower rate of wages so that the industries can be self-supporting and, at the same time, those who control these industries can give them the benefits which my Honourable friend, Sir Frank Noyce, has provided for them in this Factories Bill. Sir, I join in congratulating the Honourable Member for Industries and Labour and also my Honourable friend, Mr. Clow, for bringing out this Factories Bill so expeditiously. I hope it will receive unanimous support from all sides, from the representatives of labour as well as the veteran fighters on behalf of the capitalists in this House.

**Mr. B. V. Jadhav :** Sir, I am sorry that the President of the Mill-owners' Association is not at this time present in the House. Had he been here, my friend, Mr. B. Das, would have been a thorough democrat. Now he realises the responsibility of assuming the role of a democrat and a plutocrat at the same time.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

And his speech just now has convinced me of the truth of the allegation by Mr. Mody that Mr. B. Das is at heart a capitalist.

**Mr. B. Das :** I am only an engineer, I am not a capitalist.

• **Mr. B. V. Jadhav :** All that Mr. Das urges is that the labourers in the factories, specially the weaving factories in Bombay and Ahmedabad I think, should accept a lower scale of wages. It is a very good suggestion indeed ! But has my Honourable friend, Mr. B. Das, ever laid his feet in the chawls occupied by the labourers ?

**Mr. B. Das :** I lived in Bombay for ten years.

**Mr. B. V. Jadhav :** In Malabar Hill ? Most of the capitalists are living in Malabar Hill as Mr. B. Das once did ; and from that high hill perhaps he looked at Parel and other localities inhabited by mill hands and is now drawing a very rosy picture of the splendid condition in which they are living and he considers that a reduction of 10 or 20 per cent. of the wages would not matter very much.

**Mr. B. Das :** I did not say that, I only appealed.

**Mr. B. V. Jadhav :** You may appeal, but the empty stomachs cannot accept that appeal. If you want to appeal, appeal to the capitalists who are rolling in Rolls-Royces and are living in expensive bungalows on Malabar Hill. These poor men do not get a decent room to live in ; the rents in Bombay are very excessive, and the labourers and their wives and children have to huddle themselves together so much so that the area they inhabit is the slum area. There is a very heavy mortality from tuberculosis, and the infant mortality and the mortality among the maternity cases is simply appalling.

**Dr. Ziauddin Ahmad :** May I ask the Honourable Member one question ? Have the Government done anything to solve the housing problem in Bombay ? It is certainly not the business of millowners.

**Mr. B. V. Jadhav :** That is a different question altogether. I am neither an advocate of Government nor an accuser of Government.

**Dr. Ziauddin Ahmad :** Is it not the legitimate duty of Government to solve the housing problem and not of the capitalists ?



**Mr. B. V. Jadhav :** That will be out of place on this occasion.

Sir, I was saying that in these circumstances it is very difficult to ask the labourers to accept a lower scale of wages. If an appeal is to be made, it ought to be made to the capitalist to accept lower dividends and lower profits. My Honourable friend, Dr. Ziauddin, wants to have factories working on the co-operative principle. I do not think, Sir, that the climate of India is suitable for the co-operative principle. We have got in operation here the principle of co-operation of the wolf with the lamb. The wolf said to the lamb : " Come on, let us make a pact and we shall work together." The foolish lamb accepted the proposal and the next day the lamb was found inside the wolf. That is the sort of co-operation that is prevalent in India, and my friend, Dr. Ziauddin, has been extolling the present situation and he wants to bring about a millenium. He said that in ancient India there were no strikes, there were no quarrels among the employers and employees. But what was the condition of the employees ? They did not know their rights ; there was nobody to tell them what their rights were. They worked merely as slaves and they ultimately died as slaves. They could not raise a voice ; they could not unite, because they were not allowed to unite. The condition of slaves in America and other parts of the world, where slavery was rampant, was also of the same sort. The slaves were not allowed to unite ; the slaves were not allowed to go on strike, and so the labourers in ancient India were not allowed to go on strike and were not allowed to unite.

I remember the days when in Bombay a mill labourer was obliged to work for sometimes 13 or 14 hours a day, and Sunday was not at that time prescribed as a compulsory holiday. The first Factory Commission introduced some benefits, but even now the legal hours of work are ten a day. You can imagine what the effect is when the labourer has to work in a warm atmosphere continuously for twelve or ten hours. I welcome the change that is now introduced in the Bill that the weekly number of hours of work should be reduced to 54 ; and I join with my Honourable friend, Mr. Abdul Matin Chaudhury, in urging that the hours should be reduced still further to 48, and not stop at 54. I should like to say something about the word " factory ". In clause 2, the definition of " factory " has been modified so as to cover those establishments which, although they employ more than 20 persons, do not employ that number simultaneously. What is the definition put in here ?

" ' Factory ' means any premises whereon a manufacturing process is carried on with the aid of power, and whereon twenty or more workers are working, or were working on any day of the preceding twelve months but does not include a mine subject to the operation of the Indian Mines Act, 1923."

I do not think that the word " simultaneously " has been introduced in that definition.....

**Mr. A. G. Olow :** It has been omitted.

**Mr. B. V. Jadhav :** I see. The condition of the labourer is very bad indeed, and the Members of the Labour Commission drew the same conclusions. It is a matter for congratulation that Government are taking seriously to labour legislation and doing so much for ameliorating the condition of the poor labourers. Maternity benefits are now allowed by legislation in Bombay and the same thing has been done in some other Presidencies. I wish that the Government of India would undertake

egislation on this subject and make the benefits available for labourers all over the country. With these few words, I support the motion.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : Sir, I rise to support the principles of the Bill and am of opinion that it should go to Select Committee for consideration. Men of different widely divergent views have spoken about the merits and demerits of the Bill. The labour leader, the Honourable the Deputy President, who adorns the Chair at the present moment, has stated his views before the House. Unfortunately, though I was not present at the time of his speech, still I can well imagine what was uppermost in his mind, considering his activities about the welfare of the labour population. That great social reformer from the province of Bihar, my friend, Mr. Gaya Prasad Singh, has also stated his views. We know his activities have always conduced to the benefit of the people at large in this country and his zeal for social reform has kept him away from his home for months and years. He has been attempting of late to humanise the Penal Code by doing away with capital punishment : I do not know whether he will lay his hand on other obnoxious sections of the Penal Code and also have them eliminated from our Statute-book. Then we have heard that great engineer who now claims to be a socialist, Mr. B. Das. He has asked us to reduce the wages as we have reduced our own standards of living. If I may be permitted to say anything personal, without meaning any offence, I may say that example is better than precept. I have seen Mr. B. Das for the last ten years, and I can say that his wants have increased day by day and his luxuries also. I saw him with a dirty *khaddar* coat when he first came to the Assembly, but now I find him .....

**Mr. B. Das** : Only in party meetings.

**Mr. Amar Nath Dutt** : In party meetings and in the Assembly also in that blue *khaddar*. He has asked for lowering the wages of labour. That is not a socialist point of view. I beg to submit that we must raise the standard of living of labour. Then, we have heard that great economist, a great mathematician, and a Wrangler to boot, who has pleaded for the agricultural population. Indeed, here, I am at one with him. Although I am giving my full support to the principles of the Bill, I wish that the Bill had covered the case of agricultural labour also, because as every one knows they form at least 80 per cent. of the labour of India .....

**Mr. B. V. Jadhav** : How to approach them and deal with them ?

**Mr. Amar Nath Dutt** : Of course not by introducing legislation, which you intend to introduce, of doing away with the provisions of the Penal Code about miscarriage and by legalising them, but by giving them more food and better lodging and more wages.....

**Mr. B. Das** : Do not forget that Mr. Jadhav was Minister of Agriculture.

**Mr. Amar Nath Dutt** : I know that. My friend, Mr. Das, has reminded me that Mr. Jadhav was Minister of Agriculture ; but he has given us a vivid picture of the slum population of Bombay ; and he has asked us to give them better wages and other things.....

**Mr. B. V. Jadhav :** Many of my relations are there.

**Mr. Amar Nath Dutt :** In the slum population, I do not think ?

**Mr. B. V. Jadhav :** Yes : I am not ashamed to own that.

**Mr. Amar Nath Dutt :** It must be a very democratic society where we find one gentleman getting Rs. 64,000 a year and another of the same family getting only Rs. 200 a year living among the slum population—one living in a palace and another living in a hovel : that must be a very strange society.

Sir, he has pleaded with all the earnestness at his command as a social reformer for the saving of life in maternity cases. I am entirely at one with him, and I hope that some means will be found to reduce the mortality in maternity cases, but I am not one of those who can agree with him—for I have not yet cut my cables from the orthodox community,—when my friend says that there should be no punishment for miscarriage.....

**An Honourable Member :** He wants to legalise it.

**Mr. B. Das :** Birth control.

**Mr. Amar Nath Dutt :** My friend believes probably in birth control having had experience of it from his short married life of a few years, but I am not one of those who can agree with him.

Then, Sir, it was said by the Honourable the Ex-Minister from Bombay that the climate of India was not suitable for co-operation, and that co-operation would be the co-operation of the wolf and the lamb. I could not exactly follow my friend.....

**Mr. B. V. Jadhav :** I said co-operative factories.

**Mr. Amar Nath Dutt :** What he means by co-operative factories, I do not know.

**Mr. B. V. Jadhav :** If my friend does not know that, I think he should sit down.

**Mr. Amar Nath Dutt :** I think my friend is perfectly right in asking me to sit down so that he may have a safe passage for his revolutionary social legislation. Sir, co-operation is the one thing needed in every matter,—co-operation between the rulers and the ruled, co-operation between the Minister and those ministered, co-operation between capital and labour, in fact co-operation is necessary in all matters in this world, but I do not know what my friend has in his mind when he asked me to sit down. However, what I was submitting was that all these safeguards which are meant for labour in factories are equally necessary for agricultural population on which my friend, Dr. Ziauddin Ahmad, laid so much stress. Cleanliness, ventilation, artificial humidification, cooling, prevention of overcrowding, light, water and all these things are as much necessary for the agricultural labouring population as for the factory labourers. However, if we cannot get the whole loaf, we should be satisfied with at least quarter of it, and, therefore, I accord my whole-hearted support to the motion that the Bill be referred to Select Committee.

**Mr. A. G. Clow :** Sir, I must acknowledge with gratitude the very kindly reception which has been given to this Bill. There is a saying

among those who have been brought up as labourers that no one who has not worked with his hands can really enter into the skin of labour or feel as labour feels, and I suppose that is the position of every one here, except perhaps my friend, Mr. B. Das.

**Mr. B. Das :** I have worked with my own hands.

**Mr. A. G. Clow :** I excepted you ; But I think it is a very happy augury for the new India that is coming that a Bill of this kind has evoked so much interest and has received so much support in a House of this character.

You, Sir, raised the question of the small factories and I admit that that is a very pertinent, if also a very difficult, question. There is in clause 5 of the Bill a provision which enables Local Governments to bring certain small factories within its scope, but that would not suffice to deal with the factories which you, Sir, had in mind. I think the answer to the suggestion that they should be dealt with here is that, as the Labour Commission have suggested, it really requires a separate Act. It is an extraordinary difficult subject for many reasons ; whereas a millowner cannot remove his factory from one spot to another, nothing would be simpler than for the small *bidi* factory owner, if you were to detect him of improper practices, to move to some other place. Nothing is simpler also than to split up those factories. You cannot split up the ordinary factory using machinery without incurring a loss. After we have made some progress with the question now under discussion, it will be necessary to consider what is to be done about those factories.

You suggested also, Sir, that docks should come within the scope of this measure. That is a matter which has been considered, but the problems in docks are distinctly different, and it is proposed to tackle them separately. The Honourable the Leader of the House this morning said that he intended to introduce a Bill in the current Session to provide for safety in docks, and that will represent an important step on behalf of labourers of that kind.

**Dr. Ziauddin Ahmad :** So another Bill is coming.

**Mr. A. G. Clow :** You suggested also that a 48-hour week is preferable, and other Honourable Members agreed with that view. I am not going to try and defend the hours suggested in the Bill as ideal ; but I suggest that, even from the point of view of labour, the attempt to introduce 48-hours just now might be extremely dangerous. There were those who expressed the opinion, it was perhaps more of a hope than an opinion, that a reduction in hours need not involve a reduction in wages. But I think even they would agree that if we went straight to a 48-hour week, it would mean a reduction in wages, and one that would appreciably affect the standard of living which our workers enjoy.

My friend, Dr. Ziauddin's speech I found a little difficult to follow. His charge, as far as I could understand him, was that whereas we do a great deal for labour, and particularly industrial labour, we do nothing for the improvement of the bulk of the people in the country...

**Dr. Ziauddin Ahmad :** I meant agricultural labourers.

**Mr. A. G. Clow :** Including agriculture. Well, Sir, Government must work in the sphere allotted to it. He seemed to traverse, if I heard

[Mr. A. G. Clow.]

him correctly, considerably into transferred subjects. I do not think that any one can say that within the sphere allotted to the Government of India, they have not tried to do their best to improve the material prosperity of the country in every direction. We have been dealing even in this short Session with such matters as the cotton textile industry, the tea industry, and I think the lac industry.....

**An Honourable Member :** All for the benefit of capitalists.

**Mr. A. G. Clow :** For the benefit, I would say, of the country, and not merely of the capitalists.

**Dr. Ziauddin Ahmad :** Not for the benefit of the consumers.

**Mr. A. G. Clow :** He then went on to deal with a number of matters in the Bill. He suggested that we were doing a grave injury in excluding children from factories. But the Bill does not do so. The ages of children in factories remain exactly as they were in the old Act. All that we are seeking to do is to make a small reduction in working hours from 6 to 5 in any day. We sit in this House, at least those who sit continuously, for 4½ hours a day, and I suggest that that time, with another half an hour longer, is quite long enough for any child to work in a factory. I do not know what limit my friend, Dr. Ziauddin, would consider suitable.

He then went on to criticise clause 5 which gives the power to extend the Act to smaller factories, and he seemed to be under the impression that it was a new clause. It is an old clause existing in the present Act, and the only difference we are making is, instead of giving the Local Governments the choice between applying the whole of the Act or none to these small factories, we are proposing to give them the power to apply the Act in whole or in part. I do not think there is any fear of any large extension at present. This is a power used by Local Governments very sparingly, and any large extension would involve such demands on the inspecting staff as to make it impossible for them to agree to it. He then went on to suggest that we were proceeding entirely on the wrong lines, that we were in some way imitating the West, and I think I heard suggestions of profit sharing, co-operative factories, and the methods of Herr Hitler. I should have thought that all these emanated from the West. In fact, industrialism has come upon us from the West. In any case industrialism is here. We have got to face the problems arising from it. We are not slavishly imitating anything in the West. We are using its experience; we are modifying its methods. We are doing our best in the light of the facts that we have here, and not of the facts in the West, to ensure that those, who are doing an important work for India in carrying on its industries, do so under humane and reasonable conditions. (Cheers.)

**The Honourable Sir Frank Noyce :** I have very little to add to what Mr. Clow has already said. I should like to say that I appreciate very greatly the tribute which has been paid to the part he has played in this legislation. I am almost always in a very fortunate position. Whenever I introduce labour legislation in this House, the main, almost the sole criticism against it is that it does not go far enough, and it was almost with a sigh of relief that I heard a discordant note from

Dr. Ziauddin. I think Mr. Clow has dealt with him very thoroughly and effectively. His main criticism was that the labour legislation we were introducing had no principle behind it and that we were blindly following the recommendations of the Labour Commission. Even if that is so, it does not seem to me a very serious charge. The Labour Commission was composed of experts, representatives of capital, representatives of labour, and people who had great experience in other countries in dealing with labour problems. Why should we be accused of doing something wrong if we accept the recommendations of that Commission? I think the House will have observed from the measures we have brought before it that we do not accept the recommendations of the Labour Commission blindly. They are examined by us very carefully; they are examined by Local Governments very carefully; and again they are examined very carefully by Select Committees of this House. Instead of that course, Dr. Ziauddin suggests that we should bring forward profit sharing legislation. He also suggests that we might adopt the methods followed in other countries of securing peace between capital and labour by knocking their heads together. I must confess that I personally, for the time being at any rate, would prefer to follow the safer course.

I would like to assure the House in conclusion that all the points of criticism that have been brought forward during the course of the very interesting discussion we have had this afternoon will be most carefully examined in the Select Committee, as they always are, and to thank the House for the support it has given to my motion. (Applause.)

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. K. P. Thampan, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Motion was adopted.

## THE HEDJAZ PILGRIMS (MUALLIMS) BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee."

Sir, I hope the good fortune which has attended the Honourable Member in charge of Industries and Labour in his motion for referring his Bill to a Select Committee will also attend my perfectly innocuous motion.

The facts of the matter may be briefly stated. The Select Committee considered this Bill last year and they made a report by a majority to the effect that the Bill be not proceeded with. That report was laid on the table of the House, I think, on the 6th February last. The Government considered the recommendation of the Select Committee and said that they would not come to any final conclusion in the matter until they had had

[Mr. G. S. Bajpai.]

opportunity to watch the reaction of the Muslim public generally to the Bill as it had emerged from the Select Committee and watch also the subsequent events. So far as the reaction of the Muslim community to the Bill is concerned, if Muslim newspapers are an index of it at all, it would appear that a considerable number are in favour of our proceeding with the Bill, some of them want changes made in the Bill, and two say that the Bill be not proceeded with at all. As regards events, we have had information that pilgrims, especially pilgrims from up country, continue to suffer at the hands of at least some of the more unscrupulous *muallims*. We had, for example, a report from Bombay that last February some pilgrims went from up country. They were met at the station in Bombay by a relation of theirs. There were rival factions of these *muallims* who were competing for the favour of these gentlemen, but inasmuch as the relation happened to be conversant with these *muallims* and their ways, he wanted to choose somebody who would really look after them. The disappointed *muallims* set upon him, belaboured him, and, I believe, he was actually hurt, though I do not know whether he went to a hospital. That being the position, we thought the best thing would be to send back the Bill to the Select Committee in order to enable them to take into account the suggestions for amendment that had been made, to reconsider the doubts which they had themselves felt, as regards certain provisions in this Bill, and also to take account of the fact that there is really a necessity, at any rate, to some extent, to provide for the regulating of the activities of these persons. That is all I have to say at this stage. I hope the House will accept my motion.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Motion moved :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee.”

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa Muhammadan) : I cannot understand why Government are so keen in the matter of *muallims*. We have suggested many things on the floor of this House for the benefit of pilgrims, but I always found that Government were not prepared to accept them. The Government, in spite of our opposition, want to thrust down upon us this kind of legislation. My Honourable friend has just now suggested that some newspapers have supported this Bill. I say that only those newspapers who get advertisement from Government have supported it, and I believe that those newspapers who have supported Government in this connection have not opposed any Government measure for a year or more.

**Kunwar Hajee Ismail Ali Khan** (Meerut Division : Muhammadan Rural) : What about Sir Abdur Rahim ?

**Mr. M. Maswood Ahmad** : He is not a newspaper. (Laughter.)

**Kunwar Hajee Ismail Ali Khan** : What about his opinion ?

**Mr. M. Maswood Ahmad** : That is his personal view. You would have seen in the papers, Sir, that a Hedjaz Day was observed throughout India, and so far as Bihar is concerned, I can say that about 75 meetings were held in different places. I have got the paper *Muslim* with me. In the *Al-Jamiat* as well the names of the places and the President who presided

ed over the meetings have been published. They protested against the measure. The *Al-Jamiat* and other papers have written long articles. The Jamiat-ul-Ulema, which is the representative body of our religious men, passed long resolutions in Moradabad against this Bill.

It is true that the Haj Inquiry Committee has recommended such a measure, but as I said long ago, there were two kinds of reports. In spite of our demand, Government are not prepared to submit that report. We asked the Government to keep a copy of what is called the confidential report in the Library, but Government are not prepared to do so. On a previous occasion the Honourable Member, who was a member of the Haj Enquiry Committee, admitted in his speech that there were confidential recommendations written at the suggestion of Government.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sayyid Murtuza Sahib Bahadur made that statement. He called it a recommendation, but my information is that this is a report. I do not know what has been written in that report about this measure. The other day, my Honourable friend, Mr. Bajpai, said that he was not aware of that report. It is not good on the part of my Honourable friend, being a part of the Government, to say that he was not aware of that report. If he is actually not aware, he has no right to speak any more on this subject. Further, I put a supplementary question the other day and my friend said: "If there is such a report, . . . .". I did not want those qualifying words. I wanted to know whether there was such a report or not. Then, my friend said that he was not prepared to add anything. That means that there is some confidential report, but for some reason, best known to them, they are not placing it in our hands. We want to know what has been written there about these *muallims*. Unless we see that report, we cannot accept this Bill at all.

You will find that people who will give any sort of advice without having a licence will be punished under this Bill. The Bill says :

"Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both."

Government do not stop there. They want something more :

"Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward."

This is very hard. If they do not succeed in proving that a man has taken a reward, then, instead of giving the benefit of doubt to the accused, they say that the Court will presume that the man has advised in anticipation of a reward.

A further objection is that the Jamiat-ul-Ulema and other people in the country fear that Government want to control not only the activities of these bogus *muallims*, but that they want to control the real *muallims*. They want some sort of control over the Hedjaz by licensing them, and this we cannot allow at the moment. All the Muhammadans in this House



[Mr. M. Maswood Ahmad.]

and outside are all unanimous on this point, that Government should not take the control of the Hedjaz.

Sir, when a *muallim* will not be agreeable to them, no licence will be issued to him. Government want some sort of control and influence over these people. There is not absolutely a single case of cheating against a *muallim*. Then, what is the foundation on which you say that this Bill is required? All Muhammadans say that this Bill is a bad measure and it is an interference with religion.

My Honourable friend, Sir Brojendra Mitter, once said: "They want to have a Bill for those who do not want it". I want to present the same sentence to my friend. They have now brought forward a Bill for those who do not want it and for those who do not require it. The Mussalmans do not want it. Those, who are habitual supporters of Government, will support the measure. Government should not rely on their support.

(Major Nawab Ahmad Nawaz Khan rose to interrupt.)

You will have your own time to speak and I know what you will say. Sir, if Government want to demolish a mosque, certainly a section will come forward and say that this is not an interference with religion, but they should not rely on such support.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): What is the opinion of your own Leader, Sir Abdur Rahim?

**Mr. M. Maswood Ahmad**: I say there are many Mussalmans here who shave their beards. I myself keep small beard. There are others who drink and who do not say their prayers, but what can we do of them? We are not responsible for all. Some one do intentionally, others do by mistake. My Leader, being a man like others, can commit errors. He is my Leader in politics, but not a religious head.

Now, Sir, India is advancing very rapidly. Rightly it was said the other day by my Honourable friend, the present Law Member, that the reformers wanted to swallow the Hindu religion. This is not the case with our Hindu friends only, but there are Muslim friends also who want to swallow the Muslim religion.

Sir, Government are not ready to circulate this Bill. There is much difference between circulation and publication. Had they circulated it and had they got opinions from Muhammadans that they supported this measure, I would have nothing to say. But the mere sending of this Bill to the Select Committee will not be of much use, because it will go to the same Select Committee which has suggested that this measure should not be proceeded with, I think Government hope this time to carry the day. As far as I remember there was a definite understanding that this measure would not come before the Assembly again. I hope, my Honourable friend will remember that when the proceedings of the Select Committee were written, the man who wrote those proceedings had to cut out all the provisions which you find now. I do not think my Honourable friend can dare to contradict me on that point. The whole thing was cut out and the only thing left was that there was no need to proceed with this Bill. Afterwards, my friend requested me and others as well that as we had spent so many hours on this Bill, it was better that

they had all these things for the guidance of the Government. I myself told him that if Government were not proceeding with the Bill, there was no harm in having any thing, they liked. On this suggestion this note was added.

Now, Sir, we do not know whether Government are having this measure again on the recommendation of the Conference which met in Simla or for any other unknown reason. We have got great grievances against that Conference. Sir, a Conference was held in Simla in early August, 1933, to consider certain questions about the pilgrimage to the Hedjaz and for that Conference some nominees were invited by the Government. This Assembly has elected certain Members to advise Government about matters concerning the Haj pilgrimage. But Government, fearing that there were certain elements amongst the elected advisers who might oppose their desire did not consult that Committee at all. They ignored the Standing Committee for Haj Pilgrimage. They selected a new set of men who, they thought, would support them, and who were safe in their opinion.

**Kunwar Hajee Ismail Ali Khan :** May I know if that Conference discussed the *Muallim's* Bill ?

**Mr. M. Maswood Ahmad :** I do not know whether Government have brought this measure or their recommendations. If it is on their recommendation, then we have many things to say. Then, Sir, Government prepared a new list of several Members of the Assembly suiting their desire, and called them to attend the Conference. We do not know what matters they discussed with them. We do not know why the representative Members of this House were ignored on that occasion. The right thing for the Government to do was to take advice from the representative Members of this House and not from the nominees of their own. Government, Sir, were afraid that if they consulted the representative Members of this House, they might submit minutes of dissent. But let me say to Government : "Do not play with our religion any longer ; we cannot tolerate your interference with our religion for a moment. We have lost everything, but we are not prepared to allow you to play with our religion". Sir, this measure is one of those which will certainly interfere with our religion and it will decrease the number of pilgrims who go to the Hedjaz. These *muallims* are the proper persons to give them assistance. We do not know anything about the Hedjaz.

My friend is not going to have a Haj Committee for the province of Bihar and Orissa. Sir, in the Haj Inquiry Committee it was decided that there should be a Haj Committee for the province of Bihar and Orissa also. Even in this House, when Chaudhri Zafarullah was sitting on the Government Benches, he himself said that there was no need for the representation of other provinces on the Haj Committee as they will have a Haj Committee in each province. I was ready to give them hundreds of M. A.'s and Barristers to act as the Secretary of the Haj Committee free of charge, but even that suggestion was not accepted by the Government.

Sir, I say that these *muallims* are the proper persons to give us necessary guidance. Without them, how a man can go to perform his Haj and have the necessary comforts ? The Hajis do not want any kind of control.

[Mr. M. Maswood Ahmad.]

Further, Sir, they say that the Haj Inquiry Committee has recommended this, but the evidence is not before me. I asked my Honourable friend in a question that the evidence of persons who appeared before the Haj Inquiry Committee should be supplied to us or should be kept in the Library, but he was not prepared to do that. I do not know why they are treating that evidence as confidential. If you have not got a printed copy, may I ask, if you are prepared to show us the typed copy ?

**Mr. G. S. Bajpai :** I can tell my Honourable friend that if any typed statements are available, I shall be only too ready to place them before the Select Committee.

**Mr. M. Maswood Ahmad :** Why are you not giving them to all the Members.

**Mr. G. S. Bajpai :** My Honourable friend is a member of the Select Committee and he will be welcome to make a transcript of what I place before the Select Committee and circulate it to Honourable Members.

**Mr. M. Maswood Ahmad :** Will you allow me to communicate it to other Honourable Members ? Will you not say that it is confidential as you said on previous occasions ?

**Mr. G. S. Bajpai :** It must be left to the Chairman of the Select Committee to decide as to what should be treated as confidential and what should not be.

**Mr. M. Maswood Ahmad :** I am thankful to my Honourable friend that after all I have received an assurance from him for the first time that the evidence will see the light of the day. I hope my Honourable friend will not mind even placing the confidential report before us. May I ask, if the Honourable Member is prepared to place that report also before the Select Committee ?

**Mr. G. S. Bajpai :** I shall deal with that point when I reply to my Honourable friend's reminiscences as well as imaginary references ?

**Mr. M. Maswood Ahmad :** Still they maintain, Sir, that this is an imaginary thing. I have no hesitation to put a question in the next Session of the Assembly with a block of the title page of a report, called confidential report, if they will allow me to do so. What is the other alternative. Government are still saying after such clear proofs that it is an imaginary thing. We also have our secret department and that department may supply at least a title page.

I suggest that instead of recommitting this Bill to the Select Committee, the Government should not press this motion ; but that they should circulate the Bill for eliciting public opinion. If public opinion is obtained, Government would come to know the real feeling of the Muslim public with regard to this measure. If the Government do not care for Muslim feelings and if they want to thrust this Bill on the Muslims like the Ordinances, they can do so. If this Bill is circulated for public opinion, then the Government would come to know whether I represent the real Muslim feeling or whether the supporters of Government represent Muslim feeling. I, therefore, suggest that the Honourable Member should either move a motion for circulation of this Bill or he can do so by executive order. I do not mind which course he adopts. The Select

Committee must have certain new information to consult before they decide one way or the other about the measure. On what basis will the Committee proceed if they have not got the public opinion? The Select Committee have once expressed their opinion on this Bill and, unless you give them new material, what is the use of sending this Bill again to them? I, therefore, submit that this Bill should be circulated for public opinion either by an executive order or by a motion of this House. (Applause.)

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : Sir, my Honourable friend, Sir Frank Noyce, has been congratulated on the Labour Bill, but I am afraid I cannot congratulate my Honourable friend, Mr. Bajpai, for presenting this Bill. I would say that the considered opinion of the Ulemas is against this Bill. I am not speaking only about the Jamiat-ul-Ulema which the Government consider as a hostile body to them. When I consider the opinion of the Maulvis in different provinces, the Maulvis in the Punjab, the Maulvis in my own city of Amritsar, I find that they are all dead against this measure. They consider this Bill a great interference with religion. My Honourable friend, Mr. Bajpai, told us that there were some people who were supporters of this Bill. But, I am afraid, their number must be very small as compared to the number of people who attended public meetings which were held against this Bill. I submit, this Bill is nothing less than an interference with the religious principles of Islam. The Islamic religion is a proselytising religion and the one of the fundamental principles of Islam is to preach and inform the public as to what are their duties. In this Bill what do we find? Clauses 6 and 7 say :

“ 6. Whoever, not being a licensed *pilgrim guide* for a consideration or in the hope of a reward, advises or assists, or offers to advise *pilgrim guide* without a licence, any matter connected with the pilgrimage *other than the performance of religious rites and ceremonies relating thereto*, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

7. Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.”

What a perversity of ideas! The presumption is against a person who is going to advise or assist a man in his pilgrimage. Supposing I advise or assist any pilgrim, the presumption is that I am going to take money from that man. I submit, Sir, we Mussalmans are certainly going to defy this law and I say it on the floor of this House that, if this measure is passed into law, it will be defied not only by extremists, but also by moderate people. You cannot prevent us from advising or assisting those people who are going for pilgrimage to Hedjaz. Do you mean to say that you are going to make a law that if any Mussalman advises another Mussalman and puts him in the right direction, the law should presume that that man is going to do so only for the sake of money and you are going to prevent a Mussalman from discharging his fundamental duty of assisting another Mussalman which is enjoined upon him by his religion. Sir, I find the name of my revered Leader, Sir Abdur Rahim, associated with this Bill. I do not say that he is a type.

[Shaikh Sadiq Hasan.]

of man who will run after the Government and do what the Government ask him to do. But sometime even very wise people err and I do think that, in this case, Sir Abdur Rahim has erred,—I do not say intentionally, but unintentionally.

**Kunwar Hajee Ismail Ali Khan :** Do you mean to say that others have done so intentionally ?

**Mr. M. Maswood Ahmad :** No, about other man's intention nothing can be said.

**Shaikh Sadiq Hasan :** I say they have also erred unintentionally. The point is this that the feeling we Mussalmans have got in our minds is that the Government are going to spread this octopus limbs even in Hedjaz. They want to control the activities of the *muallims*. The Government want to extend the activities of their spying department in Hedjaz also. We were informed the other day by the Army Secretary that, after 90 bombs were thrown on the Frontier, only one man was injured and 15 mud houses were destroyed. This is the sort of work that the spying department does and the *muallims* also are to be utilised for such purposes. I would only suggest that, if this Bill is re-committed to the Select Committee, I hope that the members of the Select Committee will rise to the occasion and that they would consider their primary duty towards Islam and towards their fellow Muslims and that no sort of prestige will stand in their way. The question of prestige should be left to the Government. The Government, whatever may happen, whether right or wrong, always stick to their prestige. My Honourable friends on the Select Committee, most of whom are elected Members, should think what is in the interest of their fellow Muslims and they should record their opinion accordingly. It is rather difficult to say about my Honourable friend, Major Nawab Ahmad Nawaz Khan. He, being a nominated Member, must always support the point of view of the Government.....

**Major Nawab Ahmad Nawaz Khan :** I supported and followed your Leader, Sir Abdur Rahim.

**Shaikh Sadiq Hasan :** Again what do we find in this Bill ? If a man advises another person about pilgrimage and if the latter does not even make a complaint, the man who advises him is going to be punished. Here, in this case, a magistrate having jurisdiction may just find with the help of the police what has been happening and he may catch hold of a man who has advised a pilgrim and punish him for having done so. In this way I consider that this Bill is no better than the Ordinance Bill which was passed last year. In the Ordinance Act, there is a provision on the same line. According to the Ordinance Act, if the brother of a police sub-inspector wants eggs free and he goes to a man who sells eggs, and if he refuses, he just lodges a complaint that eggs were not sold to him and the result is that the man is punished. In the same way, any policeman who has got a grudge can ask his brother to go and report against a man that he was advising about the Haj and get the man imprisoned. I think it is a most reactionary type of Bill and the least we can expect from Muslim Members is to be sensible and not to do any such thing which may involve other Muslims in trouble and prevent them from advising and assisting their co-religionists in the matter of Haj.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris : Muhammadan) : Sir, after reading the note of the Select Committee on this Bill, we have to suspect the intentions of Government in this matter. The Select Committee, which consisted of very respectable Muslim Members of this House, in a majority recommended to Government after serious deliberation not to proceed with this Bill. Now, what is the hurry and urgency for Government to bring forward this Bill ? Why are they so anxious to provide their armoury with another weapon to prevent Mussalmans, who take it as a religious duty to advise brother Muslims who intend to perform the Haj, from doing so ? There is something up their sleeves. Let them tell us plainly why they want to go against the deliberate opinions of those pious and respectable Muslims like Sayyed Murtuza, Rajan Baksh, Hajee Wajihuddin, Nawab Ibrahim Ali and others in the Select Committee who recommended to them not to proceed with this Bill. I again want to know what is the urgency and hurry for proceeding with this Bill ?

**Mr. G. S. Bajpai** : Sir, I do not wish to interrupt my Honourable friend, but I should like to point out that I am not making a motion that the Bill be taken into consideration or proceeded with. I am merely suggesting that the Bill should go back to the Select Committee.

**Mr. Uppi Saheb Bahadur** : The Select Committee recommended not to proceed with this Bill. As it stands now, it seems to be the thin end of the wedge with regard to this pilgrimage to Mecca, one of the five essentials of Islam. Now, the definition of the word " pilgrim guide " is given thus :

" any person who, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim in any matter connected with the pilgrimage," etc.

For Muslims this pilgrimage is a religious right and duty and we want all sorts of advice, as to the ships, the charges and expenses and the accommodation, etc. ; and this advice we will only get from people who have performed the Haj and have some experience of the country and practice there. According to this Bill, however, no Muslim can ever advise other Muslims ; he cannot open his mouth on this matter unless he obtains a licence from the Government. Is it not the thin end of the wedge ? They are going to drive a wedge into this, one of the fundamental principles of Islam. Can any Mussalman approve of that ? Sir, under clause 6, if I go to Mecca and come back and advise my Muslim brethren as regards their stay and other things, the next day I may be prosecuted. I must get a licence previously from Government to help my brothers by such advice, with regard to my holy place, to my brother Muslims. Is that not curtailing my religious freedom ? Next year they may probably bring another Bill preventing us from performing the Haj itself without previous permission of the Government which is one of the five essentials of Islam. Can the Mussalmans be a party to this Bill ? I do not doubt for a moment that there is not one Mussalman in this House who will give even his silent support to this measure. We will rather go to the gallows than be a party to such Bill. Instead of being a party to any Act which will prevent us from going to Mecca and perform our religious duties, we will rather face your bullets than submit to it. Now, Sir, this Bill is not so innocuous as it appears to be ; there is something international in this. There is a general movement to discourage Haj, and I warn the Government not to be a party to that great international sacred

[Mr. Uppi Saheb Bahadur.]

movement among the enemies of Islam to disrupt Islam. Islam is too strong for all that : it has stood many onslaughts and will stand many more onslaughts. Though we have not got any proofs of this, yet it is in the air that there is an international movement against Islam and that they are trying to minimise the international importance of the Muslims. The Haj has got a great unifying influence. The motive behind all this is to put a stop to that, as far as possible. I do not say my Honourable friend, Mr. Bajpai, is a party to all that. But why has he, in the face of the recommendation made by enlightened and religiously minded Muslims, not to proceed with this Bill, come back to this House with a motion to recommit it to the Select Committee ? What is the necessity for Government to come up with this motion ? We do not want your protection and we do not want your Bill. Save us from our friends. Mussalmans have been suffering at the hands of these *muallims* for centuries ; we are prepared to go on suffering if this is the sort of legislation that is to be offered to us. We are prepared to take the suffering. Where our religious duties and our religious performances are involved, we refuse to take your previous permission. We will do without it. I say, on the floor of this House, that no Mussalman who has a spark of religion in him will be a party to such a Bill or support it in any way. With these words, I oppose the Bill altogether.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 16th September, 1933.

## LEGISLATIVE ASSEMBLY.

*Saturday, 16th September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### GRANT OF PENSION TO TELEPHONE OPERATORS.

966. \***Mr. S. G. Jog** : (a) Is it a fact that before the 31st January, 1919, the posts of all telephone operators were pensionable like those of other employees of Government.

(b) Is it a fact that after these posts were declared non-pensionable, the operators were asked to state whether they accepted the condition of being non-pensionable ?

(c) Will Government please state whether memorials were received from time to time from the telephone operators for their case to be reconsidered, and to declare their posts pensionable ? If so, were they informed that the Telephone Department was on an experimental basis, and so the staff could not be confirmed as pensionable, and that their case was under consideration ?

(d) Is it a fact that the employees were eventually informed that the case could not be considered favourably on account of financial stringency ?

(e) Is it a fact that in reply to one of the questions in this House, Government stated that employees in service before 31st July, 1919, were pensionable ? If so, why was this date fixed against the 31st January, 1919 ?

(f) Is it a fact that the telephone operators are permanent employees of Government ?

(g) Is it a fact that telephones have now been extended to the whole of India ?

(h) Is it a fact that the Department is no longer on an experimental basis ? If so, why ?

(i) Are Government aware that telephones are being extended now even to the other countries of the world ?

(j) Is it a fact that Railway and Posts and Telegraphs Departments are running at a loss ?

(k) Is it a fact that only the telephone branch is running at a profit and its revenues are increasing every year ?



(l) Is it a fact that nearly all the employees of the Posts and Telegraphs Department, from the highest to the lowest, are pensionable except the telephone operators and the mechanics ?

(m) Is it a fact that the telephone operators are performing the same duty hours as, and on some occasions much harder work than, some other officials of the Department ?

(n) Will Government please state the reasons for declaring the operators as non-pensionable ? Are they aware that in the absence of any pension in their old age after retirement from service, they will lead a very miserable life so far as their financial resources are concerned ?

(o) Are Government prepared to consider the grant of pension to the operators in view of the increasing revenues of this branch ?

**The Honourable Sir Frank Noyce :** Certain enquiries are being made and I shall place a reply on the table in due course.

#### RULES FOR SUING GOVERNMENT FOR BREACH OF TRUST IN RESPECT OF SERVICE CONDITIONS, ETC.

967. **\*Mr. S. G. Jog :** (a) Will Government state whether there are any rules under which a Government servant can sue them in a court of law, whilst remaining in service, for breach of trust in respect of service conditions or loss of prospects ? If so, will Government kindly lay a copy of those rules on the table ? If not, will Government kindly state the avenue of redress for a Government servant after he has exhausted all the appellate authorities in regard to a grievance ?

(b) Are Government prepared to make any rules on the subject ?

**The Honourable Sir Harry Haig :** (a) The answer to the first clause is in the negative. The second clause does not arise. As regards the third clause, Government are not prepared to give an opinion on what is in effect a legal question.

(b) No.

#### HOLIDAY HOMES MAINTAINED BY THE NORTH WESTERN RAILWAY AT HILL STATIONS.

968. **\*Mr. S. G. Jog :** (a) How many Holiday Homes do the North Western Railway maintain on hill stations ?

(b) What are the conditions for the lodgers, and for how many days are they allowed to stay there, and at what rent ?

(c) What do Government spend on the maintenance of these Homes ?

(d) Is it a fact that there is one such Home in Simla ?

(e) Will Government please supply the particulars referred to in the two preceding parts in respect of the Simla Home ?

(f) Is it a fact that it is maintained out of the Fine Fund ?

(g) Is it a fact that the majority of the subordinate and menial staff who are responsible for the maintenance of the Home are not eligible for making use of the Home ?

(h) What is the pay limit of those who can stay in the Home ?

(i) Are Government aware of the impression that officials who stay there impose heavy fines on the subordinates in order to find sufficient funds for the maintenance of the Homes ?

(j) Is it a fact that there is a proposal to extend the Simla Holiday Home during next year ?

(k) What rent do Government pay at present and why do they intend extending it, and at what rent ?

(l) Does the extension depend upon the amount of the Fine Fund at Government's disposal ?

**Mr. P. R. Rau :** I am obtaining information from the Agent, North Western Railway, and will lay a reply on the table in due course.

**RELEASE OF WORKERS OF THE JAMIAT-UL-ULEMA-I-HIND, DELHI.**

969. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Are Government aware that the Jamiat-ul-Ulema-i-Hind, Delhi, which had adopted civil disobedience as their politico-religious creed have given it up now and have drawn up a constructive programme ?

(b) Are Government prepared to release all the Ulemas and workers of the Jamiat, who are undergoing imprisonment ?

**The Honourable Sir Harry Haig :** (a) and (b). I have seen a report in the Press of the proceedings of a meeting of the Working Committee of the Jamiat-ul-Ulema-i-Hind held at Moradabad from the 19th to the 21st August. From this it would appear that the Working Committee have suspended the programme of civil disobedience, but there is nothing to indicate that they intend really to abandon it, or that there is sufficient reason for Government to take the action suggested in part (b) of the question.

**REMOVAL OF MR. DEVIDAS GANDHI TO MULTAN JAIL IN A THIRD CLASS COMPARTMENT.**

970. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that Mr. Devidas Gandhi, an A class prisoner was, while being removed to the Multan Jail, put in a third class compartment ?

(b) Are A class prisoners invariably allowed only third class ?

(c) Is there no rule to guide the authorities on the subject ?

**The Honourable Sir Harry Haig :** (a) It is probable that Mr. Devidas Gandhi was accommodated in third class compartment as that would be in accordance with the rules applicable to prisoners in the Delhi Province. I have, however, made enquiries and will place the result on the table of the House in due course.

(b) and (c). There are rules which are made by the Provincial Governments and vary from province to province.

**REFUSAL TO ALLOW MR. ISMAIL GHUZHNAVI TO PROCEED TO MECCA FOR HAJ PILGRIMAGE.**

971. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether they have stated that Mr. Ismail Ghuznavi has already proceeded to Mecca not less than 18 times ?

(b) Will Government be pleased to state the dates on which he proceeded to Mecca on different occasions ?

(c) Will Government be pleased to state whether Mr. Ismail Ghuznavi was convicted on the two previous occasions before his going for Haj pilgrimage for the first time or after that ?

(d) Will Government be pleased to state what were the fresh facts in their possession for not allowing a Muslim, Mr. Ismail Ghuznavi, to proceed to Mecca for Haj pilgrimage ?

**Major W. K. Fraser-Tytler :** (a) Yes. But 18 was a mistake for eight.

(b) Government have no precise information as to the dates.

(c) The answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

(d) The Honourable Member is referred to the reply given to part (b) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

**Mr. M. Maswood Ahmad :** Are Government sure that this eight is also a mistake, just as 18 was a mistake ?

**Major W. K. Fraser-Tytler :** I understand, Sir, that eight is correct.

**Mr. M. Maswood Ahmad :** My information is that it is not so. Very well, but will Government be pleased to give the dates on which he proceeded to Haj ?

**Major W. K. Fraser-Tytler :** I have already said, Sir, that Government have no precise information.

**Mr. M. Maswood Ahmad :** When Government have no information on what date this gentleman proceeded to Haj, how do they say that he went to Haj eight times ?

**Major W. K. Fraser-Tytler :** I understand, Sir, that this information was given by Mr. Ismail Ghuznavi himself.

**Mr. M. Maswood Ahmad :** Will Government be pleased to lay on the table a copy of his letter in which he has stated that he has gone to Haj eight times ?

**Major W. K. Fraser-Tytler :** I believe, Sir, the information is correct.

**Mr. M. Maswood Ahmad :** May I know, Sir, whether this information was given to the Honourable Member who is now answering these questions ?

**Major W. K. Fraser-Tytler :** The information was not given to me.

**Mr. M. Maswood Ahmad :** May I know whether the information which was given orally to some other gentleman was written on any paper, and does the Honourable Member say that it was orally mentioned by Mr. Ismail Ghuznavi ?

**Major W. K. Fraser-Tytler :** The information, Sir, I understand, was given orally and was passed on to the Honourable Member who answered this question in April in writing.

**Mr. M. Maswood Ahmad :** I want to know whether the information given by Mr. Ismail Ghuznavi to some other gentleman orally stating that he had proceeded eight times to Haj was recorded on paper ?

**Major W. K. Fraser-Tytler :** I understand it was, yes.

**Mr. M. Maswood Ahmad :** Government have said that, because he was convicted on two occasions, he was not allowed to go to Haj. May I know whether these convictions took place before he left for Haj for the first time ?

**Major W. K. Fraser-Tytler :** I have already answered that question, Sir.

**Mr. M. Maswood Ahmad :** What was the reply ?

**Major W. K. Fraser-Tytler :** The reply was to part (c) of the question, that the answer to this would depend on the exact date when Mr. Ismail Ghuznavi proceeded on Haj for the first time, as to which, as already pointed out, Government have no precise information.

**Mr. M. Maswood Ahmad :** May I know, Sir, when Government allowed him to go eight times to Haj after his conviction, what were the fresh grounds for not allowing him to go to Haj for the ninth time ?

**Major W. K. Fraser-Tytler :** My reply to that is given in part (d). The Honourable Member is referred to the reply given to part (b) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933.

**Mr. M. Maswood Ahmad :** Do Government propose to consult the *Ulemas* on this question of not allowing Muslims to perform their Haj pilgrimage, this is a kind of interference with our religion ?

**Major W. K. Fraser-Tytler :** Sir, the position is, I think, that Government have a certain duty to perform in respect to their responsibilities to the State in a matter of this sort.

**Mr. M. Maswood Ahmad :** I want to know whether Government would now allow Mr. Ismail Ghuznavi to perform Haj in the next season ?

**Major W. K. Fraser-Tytler :** I cannot give a guarantee about that, but if Mr. Ismail Ghuznavi makes an application for the passport, it will receive the fullest consideration of the Government.

#### RE-EMPLOYMENT OF RETRENCHED STAFF OF THE NORTH WESTERN RAILWAY.

972. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether there are two kinds of retrenched servants of the Indian State Railways in general and the North Western Railway in particular—one retrenched during the last economy campaign and the other retrenched before that campaign ?

(b) Are both kinds of retrenched Railway servants kept on the waiting lists for re-employment when vacancies occur ? If not, why not ?

(c) Is it a fact that the Government of India have laid down, without making any distinction between these two classes of retrenched Railway servants, that the staff retrenched or to be retrenched would be re-instated ?

(d) Is it a fact that Government have issued orders that the said re-instatement should be made in the inverse order in which these two classes of servants were discharged ? If so, what were the reasons for it ?

(e) Is it a fact that the Agent of the North Western Railway has passed orders, disregarding the aforesaid Government orders, that the names of the men retrenched before the present economy campaign cannot be registered for re-employment ?

(f) Do Government know of such an order having been issued by the Agent, North Western Railway, under his No. 50-E.1507, dated about 14th August, 1933, in the case of Mr. Ramdas T. Chugani, *ex-Fireman* and Shed Clerk, North Western Railway ?

(g) Do Government propose to point out to the Agent their policy on the point for due effect being given to it ? If not, why not ?

**Mr. P. R. Rau :** (a) Government are not aware of any general retrenchment that took place on Indian Railways otherwise than during the economy campaign of 1931 and 1932.

(b), (c) and (d). The instructions issued in connection with the retrenchment during 1931-32 were that employees discharged should be borne on a common waiting list for the whole Railway and be appointed in the inverse order of discharge, subject to communal adjustments, to any suitable vacancy that may occur on the Railways in preference to others. The reason was that the discharges were to be made in a definite order and it followed from these that re-appointments should be as in the reverse order.

(e) Government are not aware that the Agent has disregarded these orders but I am sending a copy of this question and the answer to him for guidance.

(f) No.

(g) Government consider that existing instructions are sufficiently clear and do not consider any further instructions necessary.

**Mr. Lalchand Navalrai :** May I know, Sir, why this system of inverse order was adopted ?

**Mr. P. R. Rau :** I have just explained it. I said the reason was that since the discharges were made in a definite order, it followed that re-appointments should be made in the reverse order.

**Mr. Lalchand Navalrai :** Has the Honourable Member got any information with regard to clause (f) of this question ? One Ramdas was retrenched and then put on the waiting list, and he was again thrown out of the list for no reason ?

**Mr. P. R. Rau :** I have no information on that point.

**Mr. Lalchand Navalrai :** Will the Honourable Member kindly send a copy of this question and its answer together with other supplementary questions and answers to the Agent, so that he might go into this matter ?

**Mr. P. R. Rau :** I shall forward all these questions and answers to the Agent.

**Mr. Lalchand Navalrai :** Thank you.

TRANSFER OF INSPECTORS AND POSTMASTERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

973. **\*Bhai Parma Nand :** Will Government please lay on the table of this House a statement showing particulars of the officials in the

Inspectors' and Postmasters' cadres in the Punjab and North-West Frontier Circle, whose periodical transfers, although due, have been suspended owing to existing financial conditions, and of those who have been transferred without any such consideration, giving the reasons for this distinction ?

**The Honourable Sir Frank Noyce :** Government have no information. I may, however, point out that there are no orders for the periodical transfer of Postmasters ; and that the orders suspending such transfers of Inspectors, referred to by the Honourable Member, are not absolute and may be departed from at the discretion of the Head of the Circle.

TRANSFERS IN THE INTEREST OF SERVICE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

974. \***Bhai Parma Nand :** (a) Will Government please state what is meant by " interest of the service " generally used in cases of transfers made in the Posts and Telegraphs Department ?

(b) Can an official be transferred from a higher scale of pay to a lower one in the interest of the service at a loss of pay to the official without any fault on his part ?

**The Honourable Sir Frank Noyce :** (a) The expression " interest of the service " when used in relation to a transfer is intended to distinguish it from a transfer ordered at an official's own request or in consequence of his misconduct.

(b) Government regret that they cannot give a general reply with reference to a hypothetical case, as each case has to be dealt with under the rules and orders that may be relevant to its circumstances, *e. g.*, the Fundamental and Supplementary Rules or the Civil Service Regulations.

IRREGULAR ACTION OF THE LATE DEPUTY POSTMASTER, AMRITSAR.

975. \***Bhai Parma Nand :** (a) Is it a fact that the late Deputy Postmaster, Amritsar, was allowed to leave his Headquarters for Lahore (his home) daily at 15-30 hours thereby leaving his legitimate duties to be performed either by the Assistant Postmaster or by a Supervisor ?

(b) Was this delegation of duties of the Deputy Postmaster to junior officers approved by the Postmaster General ?

(c) If the reply to part (a) be in the affirmative, and to part (b) in the negative, will Government please state why this irregular practice and undue concession was allowed to the Deputy Postmaster by the Postmaster, Amritsar, to the detriment of service involving additional work for the subordinate staff ?

(d) Do Government propose to take due notice of this irregular action and undue favouritism on the part of the Postmaster ?

**The Honourable Sir Frank Noyce :** (a) to (d). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

**TRANSFERS FROM AND TO NON-FAMILY AND UNHEALTHY STATIONS IN THE TRANS-FRONTIER IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

976. \*Bhai Parma Nand : (a) Is it a fact that the Secretary, All-India (including Burma) Postal and Railway Mail Service Union, has brought to the notice of the Director General, Posts and Telegraphs, that transfers from and to non-family and unhealthy stations in the Trans-Frontier in the Punjab and North-West Frontier Circle are not being carried out in accordance with the Government orders ?

(b) If reply to part (a) be in the affirmative, will Government please state what action has been taken against the present Superintendent, Post Office, Derajat Division, for not observing Government orders ?

The Honourable Sir Frank Noyce : (a) A complaint was received from the Secretary of the Union regarding the non-observance of the Director General's orders on the subject.

(b) None. The orders referred to are not absolute but only lay down the procedure that should ordinarily be followed : the representation of the Union is however being considered with a view to the adoption of measures which may make exceptions from the general rule more infrequent.

**EXPENDITURE INCURRED FOR CONVEYANCE OF MAILS BY THE SUB-POSTMASTER, STAFF COLLEGE, QUETTA.**

977. \*Bhai Parma Nand : (a) Is it a fact that the Sub-Postmaster, Staff College, incurred, in spite of repeated warnings, more expenditure for conveyance of mails or remittances to Quetta Head Post Office, than that incurred in two or three previous years taken together ?

(b) If the reply to part (a) be in the affirmative, will Government please state what action has been taken by them in the matter ?

The Honourable Sir Frank Noyce : (a) and (b). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

**ALLEGATIONS AGAINST THE LATE ESTABLISHMENT CLERK, SIMLA HEAD POST OFFICE.**

978. \*Bhai Parma Nand : (a) With reference to the reply given to Question No. 433 in this House on February, 21, 1933, will Government please state if it is a fact that the Establishment Clerk, Simla Head Post Office, was found to have forged the signatures of the late Postmaster, Simla, on an order of appointment of a Muslim Runner who was engaged in excess of the sanctioned establishment and that he ante-dated the said order to give it the appearance of genuineness ?

(b) If the reply to part (a) be in the affirmative, will Government please state the full facts of the case and the punishment, if any, meted out to the offending official ?

(c) Is it also a fact that the same official has since been transferred from Simla to Ludhiana Head Post Office as an Accountant ? Does not this position involve greater responsibility and trust ? If so, are Government prepared to consider the advisability of removing him from his present responsible post ?

**The Honourable Sir Frank Noyce :** (a), (b) and (c). Government have no information. The matter is one with which the Head of the Circle, to whom a copy of this question is being sent, is competent to deal.

**PROCEDURE FOR RECRUITMENT OF ENGINEERING SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

979. **\*Bhai Parma Nand :** (a) Will Government please state what is the procedure followed in recruiting Engineering Supervisors in the Indian Posts and Telegraphs Department, and since when was this procedure introduced ?

(b) Will Government please state whether the Departmental candidates for appointments as Engineering Supervisors, in view of their service in the Department, are accorded any preferential treatment over outsiders ?

(c) If the reply to part (b) be in the affirmative, will Government please state if any preference is also given to the Departmental candidates in assigning positions on the seniority list before appointing them as Engineering Supervisors ?

(d) If the reply to part (c) be in the affirmative, will Government please state if the concessions have been uniformly shown since the time the appointments have been thrown open to qualified departmental men ? If not, are Government prepared to consider the desirability of redressing the genuine grievances of the staff adversely affected ?

**The Honourable Sir Frank Noyce :** (a) and (b). The attention of the Honourable Member is invited to the regulations published in the Director General's General Circular No. 31, dated the 16th December, 1930, a copy of which has been placed in the Library of the House. The system of recruitment and training described therein came into force from the 1st January, 1929.

(c) So far two groups of candidates have been recruited under this system. No preferential treatment was accorded to the departmental candidates in the first batch, but in the second batch, telegraphists and other departmental candidates were given seniority over outsiders.

(d) The reply to the first part is in the negative. As regards the second part, Government do not consider that the candidates have any genuine grievance.

**VACANCIES OF POSTMEN, ETC., IN THE SAHARANPUR AND DEHRA DUN HEAD POST OFFICES AND THEIR SUB-OFFICES.**

980. **\*Bhai Parma Nand :** Will Government please state (i) the number of vacancies, temporary and permanent separately, in (a) postmen's grade and (b) inferior service in Saharanpur and Dehra Dun Head Post Offices and Sub-Offices attached to them which occurred during 1931, 1932, 1933 and (ii) the number of those given to Hindus and other communities ?

**The Honourable Sir Frank Noyce :** I regret that the information is not readily available.



**DECLARATION OF HINDU COMMUNITY AS MINORITY COMMUNITY FOR RECRUITMENT IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

981. **\*Bhai Parma Nand :** (a) Will Government please state if they have laid down certain principles for recruitment in the Posts and Telegraphs Department and fixed a certain percentage for minority communities ?

(b) Will Government please state the criteria for determining minority communities and whether each Postal Division or a District, a Revenue Division, or a Circle is to be taken as a unit ?

(c) Will Government please name the community which has been declared as a minority community in the Punjab and North-West Frontier Circle in respect of different classes of officials such as clerks, postmen and inferior servants ?

(d) Will Government please state the number of (i) postmen including mail guards, (ii) inferior servants, and (iii) line staff in Engineering employed in the Punjab and North-West Frontier Circle on 31st March, 1933 ? If the number of Hindus is less than Muhammadans, are Government prepared to declare the Hindu community as minority community for the purpose of recruitment to these classes of officials ?

**The Honourable Sir Frank Noyce :** (a) In the case of new recruitment Government have laid down that every third vacancy is to be reserved for minority communities in order to prevent the preponderance of any one class or community in Government service. This is a general rule applicable to all Departments under the Government of India and not only to the Posts and Telegraphs Department.

(b) The Honourable Member is referred to the reply to part (a) of his own starred question No. 671 in this House on the 7th March, 1933.

(c) The Honourable Member's attention is invited to part (d) of the reply given to Sardar Sant Singh's starred question No. 566 in this House on the 21st September, 1932.

(d) The latest figures in possession of Government which are up to the 31st December, 1932, are as follows :

(i) Postmen including Mail Guards	..	..	3,482
(ii) Inferior servants	..	..	4,185
(iii) Line Staff in Engineering	..	..	888

As regards the latter part, Government regret that they are unable to accept the Honourable Member's suggestion for reasons stated in the reply to part (a) of his own starred question No. 671 in this House on the 7th March, 1933.

**POSTINGS OF POSTAL OFFICIALS IN THE PUNJAB CIRCLE TO THEIR HOME DISTRICTS.**

982. **\*Bhai Parma Nand :** (a) Are Government aware that under the Punjab Government officers belonging to certain places are not posted for official duty in those places or districts ?

(b) If so, are Government prepared to adopt a similar policy in the Posts and Telegraphs Department in the matter of such postings, at least in the Punjab Circle ?

**The Honourable Sir Frank Noyce :** (a) Government have no information.

(b) Government do not see any reason to accept the Honourable Member's suggestion.

**APPOINTMENT OF HINDU SUPERINTENDENTS IN THE PUNJAB POSTAL CIRCLE.**

983. **\*Bhai Parma Nand :** Is it a fact that in the Punjab Posts and Telegraphs Circle there is an over-whelming majority of Muslim Superintendents ? If so, are Government prepared to consider the advisability of appointing a few Hindu Superintendents ?

**The Honourable Sir Frank Noyce :** As regards the first part of the question, the reply is in the negative, since though the number of Superintendents in the Punjab Circle belonging to the Muslim community is greater than that belonging to any other single community it is less than the number of such officers belonging to all other communities taken together.

As regards the second part of the question, the attention of the Honourable Member is invited to the reply given in this House to part (b) of his starred question No. 461 on the 22nd February, 1932.

**ALLEGATIONS AGAINST KHAN SAHIB MALIK KARAM DIN, TELEGRAPH MASTER, GOVERNMENT TELEGRAPH OFFICE, LAHORE.**

984. **\*Bhai Parma Nand :** (a) Are Government aware that Khan Sahib Malik Karam Din, Telegraph Master of the Lahore Government Telegraph Office, his son Malik Khurshed Ahmad, a clerk in the same office, and Mohammad Khurshed Ahmad, Telegraphist, in that office, made assaults in July, 1933 on certain members of the Hindu staff employed in that office ?

(b) Are Government aware that complaints by Hindu staff have been made to the higher authorities against the assaulters concerned ? If so, will Government please state what action, if any, has been taken against the assaulters ?

(c) Is it a fact that Khan Sahib Malik Karam Din was the cause of serious troubles at Peshawar Telegraph Office at the time when Mr. E. C. Moore was in charge of that office and also at Lyallpur when he himself was in charge ?

(d) Is it a fact that Khan Sahib Malik Karam Din is the same official who has already been given warnings by higher authorities for his undesirable communal activities ? If so, have Government considered the question of his removal from Government service for his continued undesirable activities ? If not, do they propose to do so now ?

**The Honourable Sir Frank Noyce :** Government have no information. The matter is one with which the Head of the Circle, to whom a copy of the question is being sent, is competent to deal.

**SURVEY OF THE KARACHI-BOMBAY PROPOSED BROAD GAUGE LINE.**

985. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Railway Board have completed the final survey of the Karachi-Bombay proposed broad gauge line, which they had undertaken to complete by July, 1933 ?

(b) If so, will Government be pleased to state whether they will start the construction work this year, as was promised to the Federation of Indian Chambers ?

(c) If the survey be not complete, what is the reason for the delay and how long are Government likely to take to come to a definite decision ?

(d) Are Government aware of the urgency of this Railway and the anxiety of the people of Sind and Bombay to see this railway opened for traffic soon ?

(e) What action do Government propose to take to bring into being this railway at an early date ?

**Mr. P. R. Rau :** (a), (b) and (c). Government are not aware of having given any undertaking or promise regarding the date of the completion of the survey or the starting of construction work, but the revised traffic survey which was in hand has been completed, and the report of the officer employed on it has been submitted to the Agent, North Western Railway. When it is received by the Railway Board, along with the considered views of the Railway Administration, the question of taking up the construction of the line will be carefully considered in all its bearings. I regret it is not possible to say at present how long it will take to come to a decision. The expenditure involved is about six crores of rupees and the matter is not, therefore, one that can or should be disposed of without very thorough examination.

(d) and (e). Government are aware that certain sections of public opinion are strongly in favour of the construction of this line and consider it an urgent necessity, but it appears that there is also a not inconsiderable body of opinion who consider that there are more important lines in that area which should have precedence. In any case, Government cannot undertake to start work on it until they are satisfied that it will be remunerative, with which object in view the recent survey was carried out.

**Mr. Lalchand Navalrai :** I did not quite follow the answer of my Honourable friend with regard to the position which Government take as regards this railway. What is the view that Government hold with regard to this railway ? Are they in favour of its being constructed or not ?

**Mr. P. R. Rau :** It depends on the results of the traffic survey.

**Mr. Lalchand Navalrai :** May I know who have been deputed for that survey ?

**Mr. P. R. Rau :** It was done by an officer of the North Western Railway. I am sorry I do not remember the exact name.

**Mr. Lalchand Navalrai :** May I know if the report of that survey will be scrutinised by the Agent, and whether he will be the deciding authority ?

**Mr. P. R. Rau :** No, Sir. It will be scrutinised by the Agent and will be sent to the Railway Board with his comments.

DISCHARGE OF CERTAIN HINDU CLERKS FROM THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

986. \***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state if it is a fact :

(i) that on the 15th August, 1932, on the withdrawal of certain temporary posts from the Office of the Chief Accounts Officer,

North Western Railway, about 15 permanent Hindu clerks of that office, who had been appointed as a result of an all India competitive examination held in 1929, were discharged from service ;

- (ii) that these permanent Hindu clerks were, as per rules, granted all leave due to them on the date of discharge, and, while still on leave, taken back in service about a month afterwards on the intervention of the Controller of Railway Accounts, on the return to their parent Department of about 20 commercial clerks of that Railway ;
- (iii) that the specific work for which these 20 commercial clerks had been taken on to the administrative control of the Chief Accounts Officer, North Western Railway, had ceased from 1st August, 1932, and that the Chief Accounts Officer nevertheless continued to retain these men in his office against posts sanctioned for Accounts work ;
- (iv) that the Chief Accounts Officer, North Western Railway, was fully aware, on the date he absorbed these 20 commercial clerks in the Accounts establishment of the Railway even after the work for which they had been loaned from the Commercial Department of the Railway had ceased to exist, of the reduction in his own establishment that he was to effect on 15th August, 1932 ?

(b) Will Government please state why the Chief Accounts Officer, North Western Railway, retained against Accounts posts, staff of much inferior qualifications recruited mainly for work at railway stations, and, brought under reduction staff who had been recruited specially for the Accounts Department through an all-India competitive examination, with service in the Accounts office extending to three years and who had been declared by a Chief Accounts Officer, North Western Railway, to be as a class, far superior to others ?

(c) Will Government be pleased to state further whether these 15 clerks are, on re-appointment, being treated as temporary clerks and threatened with new scales of pay, etc., simply on the technical plea that they did not hold a lien on their posts during their leave ?

(d) Do Government propose to cancel their discharge on 15th August, 1932, or post-date to about 14th September, 1932, the retrenchment of the temporary posts that led to their discharge and restore them to the permanent status that they held before discharge on 15th August, 1932 ?

**Mr. P. R. Rau :** (a) (i) Certain temporary and permanent posts of clerks were brought under reduction, with effect from the 15th August, 1932, and 11 permanent Hindu clerks recruited through competitive examination were discharged along with others, the discharges being made in accordance with the orders regulating retrenchment.

(a) (ii) The permanent Hindu clerks referred to above were granted the leave admissible under rules and were re-appointed during the currency of leave on the occurrence of vacancies in the following circumstances :

110 clerks selected from among the station staff at several stations and belonging to the Commercial Department were working

under the control of the Chief Accounts Officer, North Western Railway, in connection with a scheme which aimed at relieving the station staff of the responsibility of preparing accounts returns. The scheme in its final form required the employment of no more than 33 clerks in the Accounts Office. Consequently, the excess of the staff taken over from the stations over the number required was returned to the Department to which they belonged. Subsequently, however, it was arranged to send back 20 more of the clerks originally taken over from the Commercial Department. This last incident provided an opportunity for re-appointing 20 of the clerks discharged from service from the Accounts Office.

(a) (iii) As explained above the work did not cease from the 1st August, 1932, and the second portion of the question does not arise.

(a) (iv) In view of my answer to clause (iii) above the question does not arise.

(b) In the reply to clause (a) (ii) I have already explained the reason for taking some of the Commercial Department clerks into the Accounts Department.

(c) and (d). The questions are under examination with reference to certain memorials received from the staff.

#### CONTRIBUTION TOWARDS THE BUILDING FUND OF THE PRINCE OF WALES SEAMEN'S INSTITUTE.

987. \*Mr. K. C. Neogy : Will Government be pleased to state :

(a) whether a substantial amount of the Building Fund of the Prince of Wales Seamen's Institute was contributed by the Indian public ;

(b) whether that Institute has been receiving an annual grant from the Government of India ?

The Honourable Sir Joseph Bhore : (a) Attention is invited to the final reply to parts (a) and (b) of Mr. B. Das's question No. 1058, which was laid on the table on the 7th November, 1932.

(b) Yes.

#### ADMISSION OF INDIAN OFFICERS AND CADETS IN THE PRINCE OF WALES SEAMEN'S INSTITUTE.

988. \*Mr. K. C. Neogy : Will Government be pleased to state :

(a) if it is a fact that Indian officers and cadets, up to very recently, were not admitted to the Prince of Wales Seamen's Institute ;

(b) if it is a fact that the Prince of Wales Seamen's Institute is now prepared to admit only such Indian officers and cadets as are of " European habits of life " ;

(c) if it is a fact that no restriction is imposed by the Mayo Marine Club at Rangoon in regard to the admission of Indian officers

and cadets as imposed by the Prince of Wales Seamen's Institute ;

- (d) if the answer to parts (a), (b) and (c) be in the affirmative, the circumstances which have led the Prince of Wales Seamen's Institute to impose such restrictions on the admission of Indian officers and cadets as referred to above ?

**The Honourable Sir Joseph Bhoré :** (a) and (b). Yes.

(c) Government have no definite information on this point.

(d) The Prince of Wales Seamen's Institute caters for those who can adapt themselves to the ordinary social usages of a Club of this kind. Government have made enquiries into the matter and they see no reason to apprehend that in practice there will be any restrictions or disabilities on the use of the Institute by Indian officers and cadets.

**Mr. K. C. Neogy :** Will the Government be pleased to enquire on the point referred to in clause (c) of the question ?

**The Honourable Sir Joseph Bhoré :** In regard to the Mayo Marine Club at Rangoon ? Certainly, if my Honourable friend is anxious to have it I shall get the information for him.

**Mr. K. C. Neogy :** Will the Honourable Member see to it that no discriminatory treatment is meted out to Indians in this particular matter ?

**The Honourable Sir Joseph Bhoré :** I think, Sir, I have said enough to satisfy my Honourable friend that we do not apprehend any discriminatory treatment will result in actual practice.

**Mr. Gaya Prasad Singh :** Are the Government aware that this question of the Mayo Marine Club at Rangoon came up before the Standing Finance Committee more than once, and that the Standing Finance Committee allowed certain expenditure to be incurred on the distinct understanding that Indian officers would be allowed into this Club without any restriction being imposed ?

**The Honourable Sir Joseph Bhoré :** I am much obliged to the Honourable Member for the information.

**Mr. K. C. Neogy :** Is there any authoritative definition anywhere of the expression " European habits of life " ?

**The Honourable Sir Joseph Bhoré :** No, Sir. I do not think there is, but if my Honourable friend would do me the honour next time he is in Delhi to come to a Club with me I will give him a practical illustration of its meaning.

**Mr. K. C. Neogy :** Shall I be permitted with these clothes on ?

**The Honourable Sir Joseph Bhoré :** Yes, most certainly.

#### STATUS OF BERAR IN THE FEDERAL CONSTITUTION.

989. **\*Mr. S. G. Jog :** (a) Will Government please state whether the negotiations which were in progress between the Government of India and His Exalted Highness the Nizam as regards the exact method of bringing in Berar into the Federal Constitution have been concluded ?

(b) If so, will Government please make a statement on the general position as it stands now ?



(c) Will Government please state whether, and if so, when and how an opportunity will be given to the representatives of Berar to discuss the terms of that negotiation before any final decision is taken ?

**The Honourable Sir Joseph Bhore :** (a) No.

(b) The question does not arise.

(c) Government regret that they are not yet in a position to make a statement on the points raised.

**Mr. S. G. Jog :** Is it not a fact that in London there was a Committee appointed under the chairmanship of the Under Secretary of State for India very recently and they have considered the question ?

**The Honourable Sir Joseph Bhore :** My Honourable friend must give me notice of that question.

#### INQUIRY UNDER CERTAIN PARAGRAPHS OF THE PROPOSALS IN THE WHITE PAPER.

990. **\*Mr. S. G. Jog :** (a) Will Government please make a statement as regards the result of any inquiry under paragraphs 45 and 61 of the proposals in the White Paper ?

(b) If the inquiry is not yet finished, will Government please state when it is likely to be completed ?

**The Honourable Sir Joseph Bhore :** Paragraphs 45 and 61 of the White Paper Proposals do not suggest any enquiry. If the Honourable Member will indicate what enquiries he has in his mind, I shall be glad to see whether there is any information which Government could give him.

#### INDIANS IN THE INDIAN CIVIL SERVICE APPOINTED AS EXECUTIVE COUNCILLORS IN THE PROVINCES.

991. **\*Mr. S. G. Jog :** (a) Will Government please state how many Indians belonging to the Indian Civil Service have been appointed in each province, whether major or otherwise, as Executive Councillors, since the year 1920, i.e., the year of working of the Montford Reforms, till August, 1933 ?

(b) Will Government please state what is the proportion of Indians in the Indian Civil Service as compared with Europeans in each province ?

(c) Will Government please state what part the Local Governments and the Government of India and the Secretary of State take in the said appointments ?

(d) Will Government please state the authority who makes the final appointment ?

**The Honourable Sir Harry Haig :** (a) So far as I am aware no Indian member of the Indian Civil Service has been permanently appointed to a Governor's Executive Council, but three have been appointed in temporary vacancies, one of them after resigning from the Indian Civil Service.

(b) A statement is placed on the table. I am afraid, however, the Honourable Member will not be able to base any argument on these figures with reference to the point raised in (a) of his question, as the great majority of the Indian members have entered the service within the last 15 years, and clearly would not be considered for appointments of this nature.

(c) and (d). Members of a Governor's Executive Council are appointed by His Majesty under section 47 of the Government of India Act. Appointments to temporary vacancies are made by the Governor in Council under section 92 of the Act.

*Statement showing the number and proportion of officers in the Indian Civil Service on 1st January, 1933.*

Province.	Number.			Proportion.	
	Total.	Europeans.	Indians.	Europeans.	Indians.
				%	%
Madras .. .. .	187	108	79	58	42
Bombay .. .. .	149	94	55	63	37
Bengal .. .. .	184	104	80	57	43
United Provinces .. .. .	209	128	81	61	39
Punjab .. .. .	151	97	54	64	36
Burma .. .. .	153	117	36	76	24*
Bihar and Orissa .. .. .	118	77	41	65	35
Central Provinces .. .. .	102	61	41	60	40
Assam .. .. .	44	33	11	75	25

\* Including Burmans.

**Mr. S. G. Jog :** Is there any particular reason why permanent appointments have not been made during the last ten or twelve years ?

**The Honourable Sir Harry Haig :** No, Sir. There can be no general reason. It is a question of individual selection.

**Mr. S. G. Jog :** Is there any tendency to make a distinction between the European element in the I. C. S., and the Indian element ?

**The Honourable Sir Harry Haig :** No, Sir. There is no such tendency.

**Mr. S. G. Jog :** Have any cases been brought to the notice of the Government of India of supersession in the Central Provinces Government in the case of appointments to the Executive Council ?



**The Honourable Sir Harry Haig :** There is no question of super-session. These are very essentially selection appointments.

**Mr. S. G. Jog :** What are the qualifications that weigh with the Government in making selections ?

**The Honourable Sir Harry Haig :** Suitability.

**Mr. Gaya Prasad Singh :** Not seniority ?

**Mr. B. V. Jadhav :** Is it not a fact that an Indian member of the I. C. S. was not found suitable for a permanent appointment as Executive Councillor, but he was subsequently found suitable to fill a temporary vacancy ?

**The Honourable Sir Harry Haig :** I am afraid I do not know what case my Honourable friend is referring to.

**Mr. B. V. Jadhav :** Mr. J. N. Ghosal's.

**The Honourable Sir Harry Haig :** I must ask for notice of that.

**Mr. K. C. Neogy :** Is there not a tendency in some provinces at least to shunt off the Indian members of the I. C. S. into the judicial line so that the executive line may be the monopoly of the Britishers ?

**The Honourable Sir Harry Haig :** No, Sir. I do not think that is the case, nor do I think that that question arises out of the point that we are considering at the moment. So far as selection for the judicial line is concerned, I think as a rule Local Governments try to make their selections in accordance with the wishes of the officers.

#### CLERKS EMPLOYED ON WORK CONNECTED WITH HOURS OF EMPLOYMENT REGULATIONS ON THE NORTH WESTERN RAILWAY.

992. **\*Mr. Uppi Saheb Bahadur :** (a) Will Government please state whether it is a fact that some 20 clerks have been employed on the North Western Railway on work in connection with hours of employment regulations ?

(b) Is it a fact that all these clerks were given promotion to a higher scale at the time of their appointment to those duties, class II clerks being put in class III and class III clerks in class IV ?

(c) Is it a fact that in addition to higher rate of pay these clerks generally earn travelling allowance while on tour ?

(d) Is it a fact that no selection was made by a proper selection board for appointment to these posts which involved arbitrary and out-of-turn promotion ?

(e) Is it not the declared policy of Government not to give increase of pay for work of a special or different character ? If so, why was increased pay given in this case as a matter of course ?

(f) Are Government prepared to consider the question of regrading all these clerks in their substantive grades ?

(g) Will Government be pleased to state whether it is a fact that in promoting all these to the next higher grades they were given the minimum pay of such higher grade ?

(h) Is it a fact that there was one case, namely that of Mr. Khub Chand, in which the clerk was given nearly the maximum pay of the higher grade ?

**Mr. P. R. Rau :** With your permission, Sir, I shall answer questions Nos. 992, 993 and 994 together. Government have no information but I have sent a copy of these questions to the Agent, North Western Railway, for such action as he may deem necessary.

**WELFARE CLERK IN THE RAILWAY WORKSHOPS AT SUKKUR.**

†993. **\*Mr. Uppi Saheb Bahadur :** (a) Is it a fact that a class IV welfare clerk is in the Workshops at Sukkur whereas there is only a class III welfare clerk in Loco. Shops, Moghalpura ?

(b) Is it a fact that the Loco. Shops, Moghalpura, have nearly four times as much staff as the Sukkur Shops ?

(c) If the reply to part (a) be in the affirmative, will Government please state the special circumstances which warrant the appointment of a senior grade man in the smaller workshop ?

**SINDHI AND NON-SINDHI CLERKS IN THE LATE CONSTRUCTION OFFICE, NORTH WESTERN RAILWAY.**

†994. **\*Mr. Uppi Saheb Bahadur :** (a) Will Government please state the number of Sindhi and non-Sindhi clerks in the Construction office, North Western Railway, before the dissolution of that office in 1932 ?

(b) Will Government be pleased to state the number of Sindhi and non-Sindhi clerks who were retained and confirmed after the dissolution of Construction Office ?

(c) Is it a fact that some of these Sindhi Hindu clerks who were below the educational standard required for the appointment and confirmation as office clerks have been confirmed in contravention of the existing rules ? If so, why ?

(d) If the reply to part (c) be in the affirmative, are Government prepared to take steps to remedy matters and to avoid a recurrence of such preferential treatment ?

**NON-POSTING OF UNQUALIFIED GUARDS AS ASSISTANT STATION MASTERS ON INDIAN RAILWAYS.**

995. **\*Mr. Uppi Saheb Bahadur :** (a) Is it a fact that those Guards who are once sent to the Training School and disqualify themselves are never posted to work as Assistant Station Masters under the general rules on Indian Railways read with subsidiary rules of 1929 ?

(b) Are there any exceptions to these rules issued by the Railway Board ? If so, upto what extent ?

(c) Are Agents empowered to deviate from these rules without prior approval of the Railway Board ?

(d) Are any divisions of the North Western Railway exempt from the operation of these rules ?

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†For answer to this question, see answer to question No. 992.

**Mr. P. R. Rau :** (a) I have not been able to discover any rule in the General Rules for Indian Railways which has this effect.

(b) and (c). Agents are bound to follow the General Rules issued by the Railway Board, but are empowered to frame subsidiary rules which they can alter so long as they are not inconsistent with the General Rules.

(d) No Railway or Division of a railway is exempt from the operation of the General Rules.

#### RULES OF EXAMINATION FOR RECRUITMENT TO THE SUPERIOR COMMERCIAL AND TRANSPORTATION SERVICES.

996. **\*Mr. Uppi Saheb Bahadur :** (a) Is it a fact that the Railway Board recently revised the rules for the competitive examination held for recruitment to the superior Commercial and Transportation Services ?

(b) Is it also a fact that the classical languages, like Sanskrit, Arabic and Persian, do not find a place in the syllabus for that examination ?

(c) Is it a fact that these languages form part of the syllabus of practically all non-technical examinations, for example Indian Civil Service, Indian Audit and Accounts Service, Imperial Custom Service, Railway and Military Accounts Service, etc. ?

(d) If so, are Government prepared to consider the advisability of including these three subjects, viz., Sanskrit, Arabic and Persian, in the syllabus for the recruitment examination of the superior Commercial and Traffic Service ?

**Mr. P. R. Rau :** (a), (b) and (c). Yes.

(d) The syllabus was revised in consultation with the Public Service Commission and the reason why so wide a choice was not proposed for this examination was that the experience of the Public Service Commission had shown that the number of options allowed was excessive. It was also held that these Departments were unlikely to require candidates possessing the qualifications resulting from a prolonged study of the classical languages. My Honourable friend will no doubt have observed that a large number of other subjects with probably as good a claim as the classical languages have been excluded from this syllabus.

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#### UNSTARRED QUESTIONS AND ANSWERS.

##### RECRUITMENT OF INDIANS TO THE INDIAN AIR FORCE.

81. **Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state what are the various "trades" in the Indian Air Force to which they have decided to recruit Indians and what is the sanctioned strength for each ?

(b) How much recruitment of Indians for the Indian Air Force has so far been made and how much remains to be made in the near future ?

(c) What are the addresses of the various Recruiting or Technical Recruiting Officers through whom applications for recruitment for technical and non-technical trades should be submitted ?

(d). How, by whom and when is the final selection of personnel to be made ?

(e) What are the various training centres at which the selected apprentices, etc., will be trained and where will the offices and Headquarters of the Indian Air Force be located ?

(f) What is the minimum period for which candidates for " trades not involving apprenticeship " must work as aircrafthands before they can be mustered into the trades chosen by or specified for them ?

(g) Are free rations, free quarters (single or family), railway warrants and leave concessions allowed to airmen before attestation ?

(h) What are the rates of pay and rules for recruitment for (i) Warrant officers, and (ii) Mechanical Transport drivers for the Indian Air Force ?

**Mr. G. R. F. Tottenham :** (a)

<i>Trades.</i>					<i>Sanctioned strength.</i>
Aircrafthand .. .. .	..	..	..	..	5
Armourer .. .. .	..	..	..	..	1
Blacksmith .. .. .	..	..	..	..	1
Carpenter .. .. .	..	..	..	..	1
Clerk, General Duties .. .. .	..	..	..	..	2
Clerk, Pay Accounting .. .. .	..	..	..	..	1
• Clerk, Stores Accounting .. .. .	..	..	..	..	1
Coppersmith and Metal Worker .. .. .	..	..	..	..	1
Electrician .. .. .	..	..	..	..	1
Fitter Aero Engine .. .. .	..	..	..	..	8
Fitter Armourer .. .. .	..	..	..	..	1
Metal Rigger .. .. .	..	..	..	..	7
Photographer .. .. .	..	..	..	..	1
Storekeeper .. .. .	..	..	..	..	2
Wireless Operator Mech. .. .. .	..	..	..	..	2
Wireless Operator .. .. .	..	..	..	..	2

(b) Twenty-two have already been enrolled. The balance required to complete establishment will be enrolled in the near future.

(c) Applications for enrolment in highly skilled trades should be submitted to Royal Air Force Headquarters. Applications for enrolment in other trades should be submitted to the Army Recruiting Officer at Rawalpindi, Peshawar, Kohat, Lahore, Jullundur, Delhi, Ajmer or Lucknow.

(d) By merit, by the Air Officer Commanding, Royal Air Force, India.

(e) Karachi.

(f) No minimum period has been prescribed.

(g) Free rations, free quarters (single) and leave concessions are allowed to airmen after enrolment. Railway warrants to join the unit at Karachi are allowed to accepted recruits.

(h) (i) Rates of pay for Warrant Officers have not yet been fixed. Warrant Officers are not recruited direct but are promoted from the junior ranks.

(ii) Mechanical Transport Drivers are selected by the Indian Army Service Corps and trained at Chaklala. The rates of pay are laid down in Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force.

**INTRODUCTION OF LEAVE RESERVE AND NEW SCALES OF PAY IN THE  
GOVERNMENT OF INDIA OFFICES.**

**82. Rao Bahadur M. C. Rajah :** (a) Is it a fact that all Departments of the Government of India Secretariat and some of the Attached Offices have a leave reserve for their establishment ?

(b) Do Government propose to introduce a leave reserve in all the Attached Offices and thereby stop the practice of appointing in-experienced officiating men in short vacancies when any permanent incumbent goes on leave ?

(c) When do Government propose to introduce new scales of pay in the offices of the Government of India ?

(d) Is it a fact that the introduction of new scales of pay will also involve some changes in the strength of staff in the various Divisions in the case of Attached Offices ?

(e) Do Government propose to avail themselves of this opportunity to introduce a leave reserve along with the introduction of the new scales of pay in those few offices in which it does not exist at present ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) No such proposal is under consideration.

(c) Scales of pay for new entrants to the Governor General's Services are in course of publication.

(d) Yes.

(e) As the question of the provision of a leave reserve has no connection with the introduction of new scales of pay Government have not considered the suggestion made.

**REVISED EDITION OF THE MOORE'S FAMILY MEDICINE.**

**83. Rao Bahadur M. C. Rajah :** (a) Will Government please state when was the book " Moore's Family Medicine " last revised and what is its price for Government servants ?

(b) When do Government propose to print its up-to-date edition ?

(c) Do Government propose to ascertain from all Government servants by means of a general circular as to the number of copies required by them when the book is re-printed ?

**Mr. G. S. Bajpai :** (a) In 1920. The price of the present edition was recently reduced and is now Rs. 2-8-0 per copy for Government servants whose salary is below Rs. 500 *per mensem* and Rs. 3 for those whose salary is Rs. 500 and over, *per mensem*.

(b) The matter is under consideration.

(c) Government consider that when the book is reprinted, it would be sufficient to bring that fact to the notice of Government servants through Local Governments and Heads of Departments.

**APPOINTMENT OF DOCTORS AND OPENING OF A DISPENSARY IN NEW DELHI**

**84. Rao Bahadur M. C. Rajah :** (a) Will Government please state

(i) the names of doctors appointed for duty with the Government of India at New Delhi for the next winter for various grades of Indian employees ;

(ii) the time and place at which they will be available for consultation ;

(iii) prescribed rates of fees for their visiting the houses of the Government employees ?

(b) Are Government aware that last year both the time and place of consultation of the doctors was not convenient for those for whom they were intended ?

(c) Do Government propose to fix the time of consultation *before* office hours in the morning and *after* office hours in the evening, and the place of consultation near the Indian Clerks' quarters, *viz.*, Gol Market or Baird Road ?

(d) When do Government propose to open a dispensary, like the Civil and Military Dispensary of Simla, at a central place (Indian clerks' quarters), in New Delhi from where Government servants may get medicines without unnecessary loss of time ?

**Mr. G. S. Bajpai :** (a) (i) Indian employees of the Government of India Secretariat and their Attached Offices will be attended to by the following medical officers :

Those drawing pay of Rs. 500 per mensem and upwards by Major R. S. Aspinall, I.M.S., Civil Surgeon, New Delhi.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in migratory offices by Dr. N. F. Masters, Civil Assistant Surgeon in charge of Junior Secretariat Establishments.

Those drawing pay from Rs. 150 to Rs. 499 per mensem in non-migratory offices by Dr. D. Deish, Civil Assistant Surgeon attached to the Civil Hospital, New Delhi.

Those drawing pay of Rs. 149 per mensem and under by Dr. Randhir Singh and Dr. Muhammad Yunus, Sub-Assistant Surgeons attached to the Civil Hospital, New Delhi.

Indian employees of the Army and Royal Air Force Headquarters drawing Rs. 250 per mensem and upwards will be attended to by the Surgeon to His Excellency the Commander-in-Chief and those drawing less than Rs. 250 per mensem by Dr. N. F. Masters.

(ii) At the Civil Hospital, New Delhi, between 8 A.M. and 10 A.M. and between 4-30 P.M. and 5-30 P.M. After these hours at their residences.

(iii) All Government servants and the families of those employed in the Army and Royal Air Force Headquarters, if too ill to attend the hospital, are entitled to free attendance at their residences. When a Government servant's family is not entitled to free attendance the appointed medical attendant is permitted to charge a fee not exceeding, in the case of an Assistant Surgeon, Rs. 2 for each day visit and Rs. 4 for each night visit, and, in the case of a Sub-Assistant Surgeon, Re. 1 for each day visit and Rs. 2 for each night visit.

(b) No.

(c) and (d). The time of consultation has always been before office hours in the morning and after office hours in the evening. As the Civil Hospital, New Delhi, is situated at a central place, not far from the Indian Clerks' quarters, the question of opening a new dispensary as suggested by the Honourable Member does not arise.

RATIO OF THE NUMBER OF SUPERINTENDENTS TO ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

85. **Rao Bahadur M. C. Rajah** : Will Government please state what is the ratio of the number of Superintendents to Assistants and Clerks in the Home Department and in other Departments of the Government of India and Attached Offices ?

**The Honourable Sir Harry Haig** : A statement containing the information is laid on the table.

*Statement showing the ratio of Superintendents to Assistants and Clerks in the Government of India Secretariat and Attached Offices.*

Home	..	..	1	Superintendent to	12·8	Assistants and Clerks.	
Foreign and Political	..	..	1	"	9·8	"	"
Finance	..	..	1	"	11·9	"	"
Commerce	..	..	1	"	14·8	"	"
E., H. & L.	..	..	1	"	13·1	"	"
Legislative	..	..	1	"	19	"	"
Industries Branch	..	..	1	"	17·7	"	"
P. W. Branch	..	..	1	"	7	"	"
Army	..	..	1	"	18·7	"	"
F. A., M. F.	..	..	1	"	18·2	"	"
I. C. A. R.	..	..	1	"	19	"	"
Railway	..	..	1	"	16	"	"
Legislative Assembly	..	..	1	"	19	"	"
<i>Attached Offices.</i>							
Adviser, I. S. Forces	..	..	1	"	10	"	"
D. G., I. M. S.	..	..	1	"	10·3	"	"
D. I. B.	..	..	1	"	10·3	"	"
D. P. I.	..	..	1	"	8	"	"
Director, Civil Aviation	..	..	1	"	8·3	"	"
D. G., Archy...	..	..	1	"	10	"	"
Indian Stores Department	..	..	1	"	29·4	"	"
C. B. R.	..	..	1	"	18	"	"
P. S. C.	..	..	1	"	15	"	"
D. G., P. & T.	..	..	1	"	11·4	"	"
Controller, Printing and Stationery	..	..	1	"	16	"	"
G. S. Branch	..	..	1	"	18·3	"	"
A. G.'s Branch	..	..	1	"	11·25	"	"
Q. M. G.'s Branch	..	..	1	"	12	"	"
M. G. O. Branch	..	..	1	"	11·2	"	"
M. S. Branch	..	..	1	"	13·3	"	"
E.-in-C.'s Branch	..	..	1	"	12	"	"
Medical Directorate	..	..	1	"	11	"	"
Contracts Directorate	..	..	1	"	10	"	"
A. D. O. S. (Provision)	..	..	1	"	13	"	"
R. A. F. Headquarters	..	..	1	"	14·5	"	"

NOTE.—(i) There are no superintendents in the offices of the A. M. S. (P.) and the J. A. G.  
(ii) In preparing the statement, the total number of Assistants and clerks has been taken into account, though in a few cases Assistants and clerks are in charge of Sections and many clerks are employed in isolated posts of a special nature not under the charge of Superintendents.

OCCUPATION OF QUARTERS IN NEW DELHI BY THE STAFF OF THE GOVERNMENT OF INDIA AFTER THEY BECOME OUT OF CLASS.

**86. Rao Bahadur M. C. Rajah :** (a) Is it a fact that the members of the non-migratory establishments of the Government of India at New Delhi are permitted to remain in occupation of the quarters once allotted to them when they become out of class, until a quarter of the proper class becomes available for them ?

(b) If the reply to part (a) be in the affirmative, will Government please state if the same practice is followed in the case of the migratory staff as well ?

(c) Are Government aware that great difficulty is experienced by those who are ousted from their old quarters in finding private residences for themselves after their move down from Simla and that their case is harder than of those who remain throughout the year in New Delhi ?

(d) Do Government propose to consider the desirability of making the practice in this respect uniform for migratory and non-migratory staff ? If not, why not ?

**The Honourable Sir Frank Noyce :** The attention of the Honourable Member is invited to the reply given by me on the 20th March, 1933, to starred question No. 799 by Mr. M. Maswood Ahmad.

LOCATION OF CERTAIN ATTACHED OFFICES IN NEW DELHI.

**87. Rao Bahadur M. C. Rajah :** (a) Will Government please state how does the question of the stoppage of the move of the Government of India, and particularly of the Attached offices, stand at present ?

(b) Is it a fact that the installation of metres has solved to a large extent the shortage of water problem which was a great obstacle in the way of the Attached Offices being permanently located at New Delhi ?

(c) Have Government considered that some of the Attached Offices, e.g., Public Service Commission, Indian Stores Department, Director General of Indian Medical Service (excepting the Branch dealing with Indian Medical Service and Military Department), and Director General of Archaeology, can be easily detached from the Government of India and located at New Delhi during summer ?

(d) Do Government propose to announce their final decision in the matter sufficiently before the move-down of the offices to enable the establishments concerned to make their future arrangements (regarding lease of houses at Simla for the next year and removal of their household effects from Simla to Delhi) accordingly ?

**The Honourable Sir Harry Haig :** (a) and (c). I would refer the Honourable Member to the reply given by me on September 5, 1933, to part (b) of Mr. Bhuput Sing's question No. 607.

(b) I understand that the recent installation of meters has had a very marked effect on the consumption of filtered water.

(d) It is unlikely that any decision will be announced before the offices move to Delhi next month.



## NEW SCALES OF PAY FOR ARMY HEADQUARTERS STAFF.

88. **Rao Bahadur M. C. Rajah :** (a) Will Government please state whether the new scales of pay for Secretariat and Attached Offices of the Government of India will also apply to the Army Headquarters ? If not, what will be the system of recruitment in future for the Army Headquarters ?

(b) Is it a fact that the clerks of the Indian Army Corps will be appointed for duty in the Army Headquarters, and if so, what will be their scales of pay and allowances ?

**Mr. G. R. F. Tottenham :** (a) and (b). The matter is under consideration, and no decision has yet been reached.

## CERTAIN POSTS IN EACH POSTAL DIVISION OF THE BOMBAY CIRCLE.

89. **Mr. A. Das :** (a) Will Government please furnish the following information in respect of each Postal Division of the Bombay Circle :

*Number of posts of—*

(i) Departmental Branch Postmasters,	} on the 31st March, 1931 and on the 30th June, 1933 ?
(ii) Overseers,	
(iii) Overseer Postmen,	
(iv) Head Postmen,	
(v) Reading or Sorting Postmen,	
(vi) Postmen,	
(vii) Village Postmen,	
(viii) Runners, and	
(ix) Other inferior servants,	

(b) How many of the posts in the categories (vi), (vii) and (viii) of part (a) above, were abolished altogether between this period, i.e., between 31st March, 1931 and 30th June, 1933, and how many were substituted by employment of extraneous agents to do the duties attached to their posts ?

(c) In how many cases, in respect of each Postal Division of the Circle, were the permanent holders of the posts in the categories of (vi), (vii) and (viii) of part (a) above, retired compulsorily during the same period for purposes of employment of extraneous agents in their places ?

**The Honourable Sir Frank Noyce :** (a), (b), and (c). Government regret that the information required for a detailed reply to the various parts of the question is not available and could not be obtained without much time and labour ; but a statement showing the number of posts in each of the first five categories on the 31st January, 1931 and the 31st January, 1933, respectively, in the Bombay Circle, as a whole, is annexed. In this connection the Honourable Member's attention is invited to the reply given in this House on the 31st August, 1933, to his starred questions Nos. 295 and 296.

*Statement.***BOMBAY CIRCLE.**

Category.	Number of posts on 31st Jan- uary, 1931.	Number of posts on 31st January, 1933.
(i) Departmental Branch Postmasters .. ..	144	27
(ii) Mail Overseers .. ..	40	37
(iii) Overseer Postmen .. ..	61	56
(iv) Head Postmen .. ..	57	31
(v) Reader and Sorting Postmen .. ..	114	107

**POSTING OF HINDU SUPERINTENDENTS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

**90. Seth Liladhar Chaudhury :** (a) Will Government please state the number of Superintendents of Post Offices of different communities in the Punjab and North-West Frontier Circle ? Is it a fact that the Hindus are in very poor minority and the Muslims in very great majority ? If so, will Government please state the action they propose to take to avoid the preponderance of the Muslim community in the posts of Superintendents of Post Offices in the Punjab Circle ?

(b) Will Government please state the names of the Postal Divisions in the Punjab Circle the charge of which has not been held by a Hindu Superintendent during the last 15 years ?

(c) Do Government propose to consider the advisability of posting Hindu Superintendents to these Divisions as soon as suitable opportunity occurs in future ?

**The Honourable Sir Frank Noyce :** (a) As regards the first part of the question, there are at present nine Muslims, four Hindus, five Sikhs, one European and three Anglo-Indian Superintendents of Post Offices, including Assistant Postmasters-General, in the Punjab Postal Circle. As regards the second part, the attention of the Honourable Member is invited to the reply given in this House to part (b) of Bhai Parma Nand's starred question No. 461 on the 22nd February, 1932.

(b) Government have no information as such postings are made by the Postmaster-General.

(c) Does not arise in view of the reply to parts (a) and (b).

**PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.**

**91. Seth Liladhar Chaudhury :** (a) Will Government please lay on the table a statement showing different kinds of allowances attached to all classes of appointments in the Peshawar Postal Division of the Punjab Circle, and how many of the posts carrying such allowances were held by (i) Hindus, and (ii) Muslims on 31st March, 1933 ?

(b) If the statement referred to in part (a) above, indicates that the number of Hindus who held the posts under reference on 31st March, 1933, was much less than those of Muslims, will Government please state the reason for this discrimination ?

(c) Are Government aware that no Hindu Superintendent has held charge of the Peshawar Postal Division during the last 15 years ? If so, are Government prepared to order the posting of a Hindu Superintendent to the Peshawar Postal Division ?

(d) Will Government please lay on the table a statement showing the names of Sub-Offices and of the Sub-Postmasters in charge of the Peshawar Postal Division, together with their length of service on 31st March, 1933 ?

**The Honourable Sir Fank Noyce :** (a) to (d). Government are not in possession of the information asked for and do not consider it necessary to call for it as appointments to allowanced posts are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

92. **Seth Liladhar Chaudhury :** (a) Is it a fact that junior Muslims are working as Sub-Postmasters, while senior Hindus are working as clerks in the Peshawar Postal Division ?

(b) Is it a fact that the number of Muslim Sub-Postmasters far out-steps the number of Hindu Sub-Postmasters in the Peshawar Postal Division, and if so, are Government prepared to order the replacement of junior Muslim officials working as Sub-Postmasters by senior Hindu officials in the Peshawar Postal Division ?

**The Honourable Sir Frank Noyce :** (a) and (b). Government have no information and do not consider it necessary to call for it as such postings are not made on communal considerations.

PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

93. **Seth Liladhar Chaudhury :** Will Government be pleased to lay on the table a statement showing the number of posts sanctioned in the Peshawar Postal Division in each scale or cadre, *viz.*, Postmasters, Clerks, Overseers, Head Postmen, Departmental Branch Postmasters, Postmen, Menials, Runners and others, and how many of these posts are held by Hindus in each cadre or class of scale ? What action do Government propose to take to remove the Muslim preponderance in the Peshawar Postal Division ?

**The Honourable Sir Frank Noyce :** As regards the first part of the question, a statement giving the information available is annexed. Although it is not precisely on the lines asked for by the Honourable Member, Government hope that it will meet his requirements.

As regards the second part, Government do not propose to take any special action as existing orders already lay down that in making fresh recruitment one-third of the vacancies are to be reserved for the adjustment of communal inequalities with the object of preventing the preponderance of any one class or community in Government service. In this connection the Honourable Member's attention is invited to the reply given to Bhai Parma Nand's starred question No. 671 on the 7th of March last.

*Statement.*

## PESHAWAR POSTAL DIVISION.

	Total.	Hindus.
Clerical staff in the Upper Division and Higher Grades	141	44
Clerical staff in the Lower Division (including Branch Postmasters, Overseers, Head Reader and Sorting Postmen) .. .. .	15	3
Postmen and Mail Guards .. .. .	158	12
Inferior Staff .. .. .	127	9

## PREPONDERANCE OF MUSLIMS IN THE PESHAWAR POSTAL DIVISION.

94. **Seth Liladhar Chaudhury** : (a) Will Government please state which is the minority community in the Peshawar Postal Division for the purpose of recruitment ?

(b) Will Government please state the number of outsiders of each community employed in the Peshawar Postal Division in each class or cadre since March, 1927 ?

(c) Is it a fact that the Hindus are considered a minority community for the purpose of recruitment in the Peshawar Postal Division and that the Hindu community has not been given the adequate share in accordance with the orders of the Government regarding recruitment ? If so, will Government please state the action they propose to take to set matters right and to enforce further recruitment in accordance with their orders ?

**The Honourable Sir Frank Noyce** : (a) In all Divisions, Muhammadans, Anglo-Indians, Indian Christians and Sikhs are regarded as minority communities for the purpose of recruitment to the Posts and Telegraphs Department.

(b) I regret that the information is not readily available.

(c) Does not arise in view of the reply to part (a) above and as no definite share in recruitment for Hindus, as presumed by the Honourable Member, has been laid down in the orders referred to.

## DISCHARGE OF CERTAIN HINDUS IN THE DEHRA DUN HEAD POST OFFICE.

95. **Seth Liladhar Chaudhury** : (a) Will Government please state the criteria laid down by them regarding the discharge of officiating or temporary officials in connection with the General Retrenchment Scheme ?

(b) Is it a fact that the discharge of officials should be according to seniority and length of service beginning with the juniormost officials ? If so, will Government please state why senior Hindu and Sikh officials have been discharged, such as Messrs. Jagat Ram and Bir Singh, while junior Muslims, such as Messrs. Rashid Ahmad and Rafi Uzman, have been retained in service in the Dehra Dun Head Post Office ?

**The Honourable Sir Frank Noyce** : (a) The criteria laid down for the discharge of officiating or temporary officials are the same as for permanent officials so far as applicable—that is to say retrenchment should be effected by the discharge of selected men from among the officials in each distinct category of Superintendents, Stenographers,

Clerks, and Typists, etc., in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in that category :

- (1) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them in preference to others would be unjustifiable ;
- (2) discharge of selected officers who have attained the age of 55 or have 30 years' service or more ;
- (3) discharge of selected officers with less than 10 years' service ;
- (4) discharge of selected officers with 10 years' but less than 25 years' service.

(b) For the first part of the question reference is invited to the reply to (a) above. As regard the second part, Government have no information. If any of the individuals mentioned consider that they have a grievance, it is open to them to make representations to the proper authorities through the usual official channel.

#### BAUDOT SUPERVISORS IN TELEGRAPH OFFICES.

96. **Seth Liladhar Chaudhury** : (a) Is it a fact that there are three classes of Baudot Supervisors in Telegraph Offices, viz., (i) those who have passed the Baudot Supervisors' examination and also the Higher Baudot Technique examination, (ii) those who have passed only the Higher Baudot Technique examination, and (iii) those who have passed only the Baudot Supervisors' examination ?

(b) Is it a fact that whenever a permanent or temporary vacancy of a Baudot Supervisor occurs, men in category (i) of part (a) are given preference over those in category, (ii) for filling such an appointment ? If so, why ?

(c) Is it a fact that in some Telegraph Offices men in category (ii) are supervising Baudot, while those in category (i) are not doing so ?

(d) Is it a fact that if a telegraphist in category (ii) of part (a), holding a Baudot Supervisor's post, proceeds on leave, he resumes, on return from such leave, his former appointment of Baudot Supervisor even if it involves displacing a telegraphist in category (i) ?

(e) If the replies to parts (b), (c) and (d) be in the affirmative, will Government please state the reasons for giving preference for Baudot Supervisor's appointments to men in category (i) at one time and to those in category (ii) at another time ?

(f) Is it a fact that when telegraphists holding the appointments of Testing Telegraphist or Desk Supervisor (carrying special pay) proceed on leave, they do not on return from leave resume their former appointments on the score of having held them previous to going on leave, but can only claim them if entitled by reason of seniority ?

(g) If the replies to parts (e) and (f) be in the affirmative, will Government kindly state the reasons for not applying the same rule in both cases ?

(h) Is it a fact that when recently rules of seniority for Desk appointments were revised, those, who were classified as juniors according to the revised rules, were ordered to make room for their seniors immediately ?

(i) If the answer to part (h) be in the affirmative, will Government kindly state if a similar procedure was observed when rules for seniority among Baudot Supervisors were revised in March, 1932 ? If not, why not ?

(j) Is it a fact that this question was referred to the Director General of Posts and Telegraphs by the All-India Telegraph Union about 15 months ago ? If so, will Government kindly state why the position has not so far been rectified ?

**The Honourable Sir Frank Noyce :** (a) Yes,

(b) The reply to the first part is in the affirmative. As regards the second part, the reason is that the qualifications of the men in the first category referred to in part (a) of the question are superior to those in the second category.

(c) and (d). Government are not aware of any such cases.

\*(e) and (g). As I have explained above Government are not aware of any cases such as those referred to by the Honourable Member, but if he will give me the necessary particulars I will have enquiries made.

(f) It is a fact that telegraphists holding the posts referred to by the Honourable Member do not, when proceeding on leave, retain any absolute right to return to those posts.

(h) Government have no precise information, but the facts may be as stated by the Honourable Member.

(i) The orders of March, 1932, contained no definite instructions on the subject, it being left to the Heads of Circles to select the most suitable men subject to certain general principles.

(j) It is presumed that the Honourable Member refers to the question of fixing the order of preference for filling appointments of Baudot Supervisors—if so, orders have recently been issued on the subject.

#### NON-OBSERVANCE OF CERTAIN ORDERS OF THE POSTMASTER GENERAL, PUNJAB.

97. **Seth Liladhar Chaudhury :** (a) Is it a fact that the Postmaster General, Punjab, has ordered that :

(i) no combined hand should be employed in the office of the Superintendent, Post Offices, and

(ii) no time-scale clerk should be retained in the office of the Superintendent continuously for a period of more than five years ?

(b) Will Government please lay on the table a statement in the form given below showing the particulars of the combined hands and

the officials working in the Superintendent's office for more than a period of five years ?

Name of the Division.	Name of Superintendent.	Name of combined hand working in the Divisional Office.	Name of the official working in the Divisional office for over a period of 5 years.
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(c) If the reply to part (a) be in the affirmative and reply to part (b) indicates contravention of these orders, will Government please state the steps they propose to take against the Superintendents concerned for the breach of the orders and to ensure that the orders are strictly observed in future ?

**The Honourable Sir Frank Noyce :** (a) to (c). Government have no information. The matter is entirely within the competence of the Postmaster General to whom a copy of the question is being sent.

#### REPLACEMENT OF A FEW MUSLIMS BY HINDUS IN THE INFERIOR ESTABLISHMENT OF THE JHELMUM HEAD POST OFFICE.

**98. Seth Liladhar Chaudhury :** Will Government please state the number of Hindus and Muslims in the delivery and inferior establishments of the Jhelum Head Post Office ? Are the Hindus in a minority, particularly in the inferior establishment ? If so, do Government propose to order the replacement of a few Muslims by Hindus in that office ? Are Government aware that the Hindu staff feel much inconvenience in getting even drinking water on account of the absence of Hindus among the inferior establishment, and that this is a cause of genuine grievance to the Hindus ?

**The Honourable Sir Frank Noyce :** I regret that the information asked for is not readily available. As, however, the matter is within the competence of the Postmaster General, Punjab and North West Frontier Circle, a copy of the question is being sent to him.

#### GRANT OF PENSION TO TELEPHONE OPERATORS.

**99. Seth Liladhar Chaudhury :** (a) Is it a fact that the service of the classes of officials in the Post Office, Railway Mail Service and Traffic Branches of the Posts and Telegraphs Department corresponding to telephone operators in the Engineering Branch of the Department, is pensionable whereas that of telephone operators is not ? Will Government please state the reason for this discrimination ?

(b) Is it a fact that the question regarding the pensionable status of telephone operators has been under the consideration of Government for several years past and several memorials have been submitted to them by the telephone operators concerned, but that no order has yet been passed ?

(c) Will Government please state when final orders are expected to be issued ?

**The Honourable Sir Frank Noyce :** (a) As regards the first part of the question, the position is that the services of the majority of officials in the Posts and Telegraphs Department on the same scales of

pay as telephone operators are pensionable, whereas the services of telephone operators appointed after the 8th July, 1919, are non-pensionable. As regards the second part, the discrimination was made on administrative grounds.

(b) and (c). The attention of the Honourable Member is invited to the reply given by Sir Thomas Ryan on the 29th November, 1932, to parts (a) and (b) of Mr. Muhammad Anwar-ul-Azim's starred question No. 1514.

#### SUPERSESSION OF TELEPHONE OPERATORS IN THE LAHORE TELEGRAPH ENGINEERING DIVISION.

100. **Seth Liladhar Chaudhury** : (a) Is it a fact that a number of lady telephone operators have superseded a number of male operators in the Lahore Telegraph Engineering Division ?

(b) Will Government please state the reasons for these supersessions causing discontentment among the male operators superseded ?

**The Honourable Sir Frank Noyce** : (a) and (b). Government have no information. If any officials have been superseded and consider that they have a grievance it is open to them to represent it to the proper authority through the usual official channel.

#### POSITION OF AN OFFICIAL APPOINTED IN A NEW OFFICE AFTER THE ABOLITION OF HIS POST IN HIS FORMER OFFICE.

101. **Seth Liladhar Chaudhury** : Have Government issued any orders to the effect that an official, whose post is abolished in one office and is consequently provided in another office, should be shown as junior to all officials of his class in his new office ?

**The Honourable Sir George Schuster** : It is presumed the Honourable Member refers to re-employed retrenched personnel. Such personnel, if re-employed, are regarded as having entered Government service for the first time on the date of re-employment, which means that they start at the bottom of the time scale.

#### RAISING THE STATUS OF THE DHOORIA POST OFFICE IN THE RAWALPINDI DIVISION.

102. **Mr. S. C. Mitra** : (a) Is it a fact that a circular was issued by the Director General, Posts and Telegraphs, in 1925 in which Postmasters-General were instructed to keep in view the policy of the Government of India for extension of postal facilities, as much as possible, to rural areas where it was justified by circumstances ?

(b) If so, will Government please state :

(i) how many new village post offices have since then been opened in the Punjab ;

(ii) how many village post offices have since then been raised to regular Branch or Sub-Offices in charge of whole-time Branch or Sub-Postmasters ?

(c) What is the population of village Dhooria in Rawalpindi Division ?



(d) Is it a fact that a large number of the residents of the village are Government officials, including retired civil and military officers, some of whom are holding the King's commission in the Indian Army ?

(e) Is it a fact that a large number of the residents of the village have trade connections in the United Provinces, etc. ?

(f) Is it a fact that the village has got a well-attended District Board Middle School also ?

(g) Is it also a fact that Government have provided it only with a village post office run by a part-time stamp vendor ?

(h) Do Government propose to raise the status of the village post office to a combined Post and Telegraph office in charge of a whole time Branch or Sub-Postmaster ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes, but as a result of the unsatisfactory financial position these instructions had subsequently to be modified.

(b) (i) The number of new post offices opened in the Punjab and North West Frontier Postal Circle was approximately 940.

(b) (ii) Government regret that the information is not readily available.

(c) to (h). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

#### SHORT NOTICE QUESTIONS AND ANSWERS.

##### **MINUTE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.**

**Mr. B. Das :** (a) Has the attention of Government been drawn to the extracts from the minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank, as published in the *Statesman* of the 15th September, 1933 ?

(b) With reference to the following observations of Sir Purshotamdas Thakurdas, will Government be pleased to state how they justify the statement that Sir Purshotamdas Thakurdas was against a State Bank ?

" If His Majesty's Government is not prepared to agree to the complete immunity of the Reserve Bank from political influence from or through the Secretary of State for India in London, it is only fair to meet the strong feeling in India in favour of making the State Bank the Central Currency authority. There should be only two alternatives : either a Shareholders' Bank completely free from political influence on both sides of the seas ; or a State Bank directly subject to the control of the Federal Government. I am convinced that the qualification introduced by the Secretary of State in his reply to question No. 8599 undermines the foundations of the agreement arrived at, and if it is persisted in, it makes the consideration of the alternative of a State Bank an imperative necessity."

(c) Will Government be pleased to lay on the table all the minutes of dissent in connexion with the London Committee on the Reserve Bank ?

**The Honourable Sir George Schuster :** (a) Government's attention has been called to the publication referred to. But it cannot

be accurately described as a minute of dissent, because all the notes of dissent recorded by Sir Purshotamdas Thakurdas are included in the published report of the London Committee.

(b) He accepted without reserve or qualification the recommendation contained in paragraph 3 of the Committee's report from which I quote the following sentence :

" The best device which the practical experience of other countries has evolved for achieving this object is that the capital of the Bank should be held by private shareholders and we recommend that this plan should be adopted in the case of India."

(c) All the notes of dissent which any member of the London Committee expressed a desire to record are included in the published report of the Committee.

**Mr. B. Das :** Has the Honourable the Finance Member read the full note published in the *Statesman* ? Did he notice that the wording of that statement was in the present tense ? I will just read one sentence :

" From certain recommendations of the report, I am compelled to dissent. I feel it essential to explain these differences more fully than they are set out in the brief minutes appended to, or forming part of the Report."

Does not that show that he changed his opinion a day or two after he signed the report in London and submitted this minute of dissent ?

**The Honourable Sir George Schuster :** I think, Sir, that my Honourable friend reads too much in the present tense to which he has referred. I can state as a definite fact that nothing of this kind was handed in in London.

**Mr. K. C. Neogy :** Were the minutes of the discussion of the London Committee recorded and, if so, are these minutes likely to be published ?

**The Honourable Sir George Schuster :** No, Sir. There was no full record of the London discussions and all that will be published is a report which was signed after full consideration by all the members of the committee.

**Mr. R. S. Sarma :** Is it not the past experience of Government that they have found that Sir Purshotamdas Thakurdas' private views and the views that are published are totally different on many occasions ?

**The Honourable Sir George Schuster :** That, Sir, is a question which I do not think I am called upto to answer.

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MINTUE OF DISSENT OF SIR PURSHOTAMDAS THAKURDAS ON THE REPORT OF THE LONDON COMMITTEE ON THE INDIAN RESERVE BANK.

**Mr. B. Das :** (a) Has the attention of Government been drawn to the following lines in the note of dissent of Sir Purshotamdas Thakurdas ?

" Every major country has either been at its pre-war parity for exchange or has been forced to go lower. India is the one country which is above it. Comprehensive measures have been taken in the U. S. A. to raise prices by the inflation of the currency ; further the Executive has been armed with the power to devalue the dollar to the extent of 50 per cent. of its gold content. For India there is a strong and strengthening

opinion that a lowering of the existing ratio of 1s. 6d. will give much-needed relief to the cultivator. It is axiomatic that it will put less strain on the currency system of India should world conditions be slow in improving."

(b) Are Government prepared to accept these recommendations in the interests of the Indian people ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) No. Government are pursuing the policy which they consider to be best in the interest of India as a whole, and they cannot accept the premises on which the statement referred to in part (a) is based. For example, it is not true to say that India is the only country whose currency is above the pre-war parity of exchange. The pre-war parity of the Indian rupee was 1¼d. gold. The present exchange value of the Indian rupee is about 1½ d. gold.

**Mr. B. Das :** May I inquire if the Honourable Member will allow the Joint Committee to discuss this note of dissent by Sir Purshotamdas Thakurdas ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not think that question arises.

#### ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that the following Members have been elected to the Salt Industry Committee, namely :

- (1) Mr. E. Studd,
- (2) Mr. Lalchand Navalrai, and
- (3) Mr. B. N. Misra.

#### RULING AS TO WHETHER A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL WHO IS NOT A MEMBER OF THE ASSEMBLY HAS THE RIGHT OF RAISING A POINT OF ORDER ON THE FLOOR OF THE HOUSE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : On the 8th April, 1933, the Honourable Member, Mr. S. C. Mitra, raised a point of order whether a Member of the Executive Council of the Governor General, who was not a Member of the Assembly, had the right of raising a point of order on the floor of the House. The Chair undertook to give a ruling on this point. On consideration, the Chair gives the following ruling :

Under section 63-E (4) of the Government of India Act, every Member of the Executive Council, who is not a Member of the Assembly, has the right of attending in and addressing the Assembly. This provision must be construed as conferring on such Executive Council Member the right to take part in any debate in the Assembly. Therefore, it follows that, when so speaking, such a Member is subject to all the restrictions and limitations imposed on Members of the Assembly by the rules

**RULING AS TO WHETHER A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL WHO IS NOT A MEMBER OF THE ASSEMBLY HAS THE RIGHT OF RAISING A POINT OF ORDER ON THE FLOOR OF THE HOUSE. 1693**

and Standing Orders. Under rule 15 (2), any Member may raise a point of order. This rule should not be strictly applied only to Members any more than the rules and Standing Orders referred to above. If a Member of the Executive Council, who is not a Member of the Assembly, has the right to take part in the debate, he should also be permitted to draw the attention of the House to any point of order which arises out of the debate, for example, irrelevancy or misrepresentation of any part of his speech or the attributing to him of any motives, etc., or rising to make a personal explanation. The Chair, therefore, holds that a Member of the Executive Council, who is not a Member of the Assembly and who exercises his right of addressing the Assembly on any occasion, has also the right of raising any point of order during the debate in which he takes part.

**STATEMENT LAID ON THE TABLE.**

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to part (c) of starred question No. 711 asked by Mr. K. C. Neogy on the 6th September, 1933.

**COAL RAISED IN INDIA.**

*711. (c) Raisings (tons)	..	..	17,374,733
Despatches (tons)	..	..	14,900,631

**THE HEDJAZ PILGRIMS (MUALLIMS) BILL.**

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion moved by Mr. G. S. Bajpai :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee.”

**Haji Chaudhury Muhammad Ismail Khan** (Bakarganj *cum* Faridpur : Muhammadan Rural) : Sir, in connection with this motion, I think I should deal with the stage in which the Bill was referred to a Select Committee in 1932, of which I had the honour to be a member. At that stage, Sir, we came to the conclusion that the Bill should not be proceeded with, though I must take this opportunity of congratulating my esteemed friend, Sir Abdur Rahim, who had a better foresight than ourselves, because he, in his minute of dissent, disagreed with the majority in the Select Committee and recommended that the Bill, in its altered form, was harmless and absolutely necessary. In his opinion, the Bill, as amended by the Select Committee, considerably narrowed the opportunity for making mischief of the *muallims*. Though I unfortunately disagreed with him in 1932, I have had to revise my opinion.

Sir, I am a member of the Standing Central and also the Provincial Haj Committees. In the course of our deliberations in those committees, certain facts came to my knowledge which convinced me of the necessity of such a Bill as the present one before the House. The *muallims* or the

[Haji Chaudhury Muhammad Ismail Khan.]

pilgrim guides, in the majority of cases, induce the poor and illiterate pilgrims to purchase return tickets for benefiting the shipping companies from whom they get certain concessions by way of free travelling facilities. The system of *muallims* as pilgrim guides has got no religious sanction and there is no mention about this institution in the *Shariat*. I do not understand and sometimes feel puzzled as to the reason why a section of the Maulanas, who are supposed to be learned, should take up the cause of these *muallims*, but, in any case, to meet their views and wishes, I would like that the Bill be re-committed to the Select Committee, though, so far as I am concerned, if I had been given a free choice, I would urge the Government to proceed with the consideration of the Bill instead of its re-committal to the Select Committee. Sir, I have changed my views and have come to this firm attitude, because two of the Local Governments, such as Bengal and Bombay, have so strongly pleaded for the passing of such a measure, which, in their opinion, is a necessity for the protection of the poor pilgrim. In this connection it will not be out of place to mention here that the Governments of Bengal and Bombay are more vitally interested in this question as they handle the bulk of the Haj pilgrims through their ports. So far as this measure is concerned, public opinion seems to have been mobilised in favour of the measure as is evident from the support given to the Bill by a vast majority of vernacular newspapers all over India.

Before I conclude, Sir, I would like to bring to the notice of the House that the Bengal Government is so much convinced about the mischievous doings of these *muallims* that they suggested to the Government of India to give them necessary permission to have a provincial legislation on this subject in case the Government of India found it difficult to have an All-India legislation. Last, but not the least, important factor to be taken into consideration by this House is that about two-thirds of the total number of pilgrims from India that visit Hedjaz annually go from Bengal alone and, therefore, the opinion of the Bengal Government on this subject deserves the most serious and careful consideration. I think, Sir, when this measure is passed, it will be a landmark in the history of the Haj pilgrims.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know whether the information about new facts which my Honourable friend has got was received through the Cypher Bureau of the Political Department or through the Education Department ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order.

**Kunwar Hajee Ismail Ali Khan** (Meerut Division : Muhammadan Rural) : Sir, I rise to make my few observations on this Bill. Much has been said from the other side that they are not going to accept the principle of the Bill by accepting the motion that it be re-committed to the Select Committee.

**Mr. M. Maswood Ahmad** : The House has already accepted the principle of the Bill.

**Kunwar Hajee Ismail Ali Khan** : I am glad to hear that my friend has now admitted that he has accepted the principle of the Bill. The other point which my Honourable friend, Mr. Maswood Ahmad, made was about

the Simla Conference which took place here a short time ago. Many Conferences have taken place in Simla, and I do not know to which Conference he was referring. So far as my knowledge goes, there was one Conference under the Merchant Shipping Act. When I interrupted my Honourable friend and asked him if the Conference discussed the *Muallims* Bill, he definitely said that he did not know, although we discussed that matter in the Standing Haj Committee and papers were supplied to all the members of the Standing Haj Committee and my friend also got them. Mr. President, the Simla Conference was absolutely beyond the scope of this *Muallims* Bill.

**Mr. M. Maswood Ahmad :** God knows.

**Kunwar Hajee Ismail Ali Khan :** You also know it and I also know it. All the Members who have seen the copy of the Government Gazette which is supplied to every Member know what happened in the Simla Conference.

**Mr. M. Maswood Ahmad :** We know only that much which Government wanted to disclose.

**Kunwar Hajee Ismail Ali Khan :** The proceedings of the Conference were confined to the framing of the rules which were published for public criticism. If my Honourable friend, Mr. Maswood Ahmad, has got any serious objection to them, we can change those rules in the Standing Haj Committee. But one folly was committed by our responsible Government that foolishly they invited in that *ad hoc* Committee our other Bihari friend, Maulvi Muhammad Shafee Daoodi, with whom unfortunately my friend cannot see eye to eye, and this is the chief reason of his grievance that there was no representative of the Assembly. Sir, he questioned the representative capacity of those Muslim Members who supported the Government in this measure. I want to inform the House that it is very unfair to criticise like this. All the Muslim Members, who were on the Committee, were elected ones and they represent a vast majority of the Muslims and, mind you, they are not elected by the Joint Electorate, but by Separate Electorate.

The argument has been advanced by my other friends about the publication of this Bill. Sir, we discussed this Bill on several occasions. I discussed this Bill on two occasions in a different capacity. When it came before us on the 3rd April, 1933, in the Standing Haj Committee, we recommended that we should invite the Muslim opinion thereon, and Government accepted our recommendation. The Bill was circulated to the editors of 56 Muslim newspapers, a vast majority of whom is in favour of it. Some of them have suggested certain amendments. Those newspapers, which want certain amendments, are only two in number—the *Star of India*, Calcutta, and the *Eastern Times* of Lahore. The *Star of India* has suggested that the definition of “*Muallim*”, as given in the Bill, is too elastic and that it should be amended so as to set apart regular *Muallims* as a professional class. The *Eastern Times* of Lahore has expressed the opinion that a good deal would depend on how the new restrictions are worked in practice and that, when the Bill comes before the Legislature, the Muslim legislators should see that the rules are such as to preclude unfair and unduly rigorous operation of those directions. Sir, these things we can do in the Select Committee. I think, therefore, that the motion which is now before us is the most innocent and simple

[Kunwar Hajee Ismail Ali Khan.]

one. The motion is not for consideration of the Bill, but for recommitment of the Bill to the same Select Committee. About the personnel of the Select Committee, when my Honourable friend, Shaikh Sadiq Hasan, was speaking, he said that sometimes even wise people might err and he said that Sir Abdur Rahim also erred, not intentionally, but unintentionally. When I interrupted him and asked him whether he meant to say that other members of the Select Committee erred intentionally, my Honourable friend, Mr. Maswood Ahmad, jumped over and said "Yes, they have done this intentionally". It does not look well on the part of my Honourable friend, Mr. Maswood Ahmad, to question the motives of Honourable Members of this House and make personal attacks on Members who may honestly differ from him in their opinions. My Honourable friend cannot say that I am supporting this measure, because of my usual habits of supporting Government any more than I can say that my Honourable friend, Mr. Maswood Ahmad, is opposing this measure, because of his usual habit of opposing the Government and with his usual sense of publicity. My friend also suggested that only those newspapers, which got Government advertisements, supported this measure. For the information of my Honourable friend, I can mention the names of a few papers like the *Inqilab* and the *Siyasat*, the well-known papers of Lahore, which do not get Government advertisements.

**Mr. M. Maswood Ahmad :** The *Siyasat* gets Government advertisements.

**Kunwar Hajee Ismail Ali Khan :** It may be, but there are other papers which support this Bill and yet they do not get Government advertisements. There is another important point which my Honourable friend said about the Bihar and Orissa Haj Committee. He said that the Government did not accept the proposal to form a Bihar and Orissa Haj Committee. It was absolutely beyond the purview of this Bill to mention that point. But I may submit for the information of the House that the Government of India consulted the Bihar and Orissa Government who said that it would be very expensive for Government to maintain a Haj Committee in Bihar and Orissa at a cost of Rs. 3,000 per year and the other side we should consider is about the actual number of pilgrims who went from Bihar and Orissa in previous years ? In 1931, the number was only 108 ; in 1932, it was only 247 ; and, when such numbers are performing Haj from Bihar and Orissa, how is it possible to form a Haj Committee ?

**Mr. M. Maswood Ahmad :** What about the year 1930 ?

**Kunwar Hajee Ismail Ali Khan :** My friend did not mention any figure for 1930. So far as I remember, the number might be about 500 or 600 and not more than that. What income can you get from 500 pilgrims to enable the Government to form a Haj Committee ?

**Mr. M. Maswood Ahmad :** This is not a commercial concern.

**Kunwar Hajee Ismail Ali Khan :** But who will pay the expenses of this Committee. Surely the Honourable Member won't pay. This proposal of forming a Haj Committee in Bihar and Orissa was not accepted in the Standing Haj Committee. I again cannot understand the criticism of my Honourable friend as regards the personnel of the Select Committee. On the Select Committee there were independent members like Sir Abdur

Rahim, Maulvi Sayyid Murtuza Saheb Bahadur and Maulvi Shafee Deoddi, and you cannot suspect these gentlemen to have joined hands with the Government.

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : What about yourself ?

**Kunwar Hajee Ismail Ali Khan** : I am an humble servant of my community, and the Honourable Member can form his own opinion about myself. There was a recommendation in the report of the Select Committee that the Bill should not be proceeded with at present. But there was a minute of dissent by Sir Abdur Rahim and Major Nawab Ahmad Nawaz Khan and I cannot solve the mystery why a "habitual supporter of Government" like my friend, Major Nawab Ahmad Nawaz Khan, should join hands with Sir Abdur Rahim who cannot be accused of being a supporter of Government, or *vice versa*.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Extremes sometimes meet.

**Kunwar Hajee Ismail Ali Khan** : Yes. The view of Sir Abdur Rahim was once expressed before this House when we were discussing the Port Haj Committee Bill. He said :

"I understand that these two other Bills will be brought up before the Legislature next session. Without these I do not think this committee will be able to do much to benefit the pilgrims because the Indian Merchant Shipping Act has to be amended and we have got to make provision for the protection of pilgrims against the wiles and mal-practices of pilgrim guides and brokers who sometimes call themselves *muallims* without being *muallims* at all."

My Honourable friend also attacked those who are supporting the Government saying that they were not voicing Muslim opinion at all. I can challenge my Honourable friend on this point. Whenever he divided this House on previous occasions on the two Bills in connection with the Hajis, he could not secure more than two Members of this House on his side.

**Mr. M. Maswood Ahmad** : That is not correct ; not on every occasion, but only on one or two occasions.

**Kunwar Hajee Ismail Ali Khan** : I will give the House the exact figures. On the 16th September, 1932, when my Honourable friend divided the House, there were two on his side and 47 on the other side. Immediately after that, when he challenged a division, some one raised a point of order and requested the President that there was no necessity of going into the Lobby, but that the Honourable Members could be asked to rise in their places. When the President asked the supporters of Mr. Maswood Ahmad to rise in their places, only three persons stood up, whereas a large majority of the House were against my Honourable friend.

**Mr. M. Maswood Ahmad** : If all the opinion on this measure will be in favour of Government, then why they do not circulate this Bill ?

**Kunwar Hajee Ismail Ali Khan** : I have said in the early part of my speech that it was already done. If this Bill is sent to the Select Committee again, they will have full power to get Muslim opinion on this Bill. With these few words, I resume my seat.

**Maulvi Badi-uz-Zaman** (Bhagalpur Division : Muhammadan) : I rise to oppose this motion. The Government have already forced upon us a most objectionable piece of legislation and this is another dangerous



[Maulvi Badi-uz-Zaman.]

measure which is going to be thrust upon us, inspite of our vehement protest against the measure. I have carefully gone through the Bill as it has emerged from the Select Committee, and I do not find in the Bill anything which is calculated to give service to the Hajis. On the other hand, I find that it will discourage people from performing Haj.

**Mr. M. Maswood Ahmad :** That is quite correct.

**Maulvi Badi-uz-Zaman :** Instead of doing service to the Muslim cause, this Bill is calculated to create hardship and difficulties in the way of pilgrims. The public do not want this Bill, the Muslim *Ulemas* do not want it and the majority of the members of the Select Committee do not want it. Some of the members of the Select Committee might have changed their opinion now, but that is a different matter altogether. But, in the Select Committee, a majority of the members did not want this Bill. Even then, it passes my comprehension why the Government are anxious to rush this Bill through this House. The Bill has been seriously condemned, both by the public and by the Muslim *Ulemas*, I mean the Muslim authorities on religion. I see no justification whatsoever on the part of Government to push through the Bill with so much indecent haste. For my part I am opposed to the very principle of the Bill. It is curious that the person who offers to assist any person in any matter concerned with the Haj should be considered as an undesirable person. I do not know why there should be this suspicion against this class of people. Is there any regular case against any *muallim* to show that a particular *muallim* cheated or defrauded a Haji ? I submit there is no such case. I myself happened to go to the Holy Land to perform my Haj and I am expected to have some experience regarding the activities of the *muallims*. There are *muallims* in Mecca also. Their duty is to look after the comforts of the Hajis and also to assist them in the performance of their duties. I mean their religious rites and ceremonies, connected with the Haj. They are a recognised class of persons there. In consideration of their services to the Hajis, they are paid some sort of fee. If I remember aright, it is something like Rs. 6 per head. So far as my province of Bihar is concerned, there is a registered *muallim* there, and it is that person only who can serve the Bihar Hajis. But, for other provinces, there is no registered *muallim*, but there are *muallims* who are recognised by the Hedjaz Government and whose fees are prescribed by the Government there. Now, the *muallims*, who come to India to assist the Hajis, are either these persons or their agents or relatives. My experience is that they render invaluable services to the Hajis. They regularly attend the Hajis, they look after their comforts, make arrangements for their departure to the Holy Land and sometimes they do the work of coolies also. In short, they afford all possible facilities to the Hajis in their journey, and they not only afford these facilities, but they are also helpful in giving instructions to the Hajis regarding the performance of their religious duties, because the Haj does not consist of a single prayer or anything of that kind, but it is a combination of many acts from the time of the departure to the end of the Haj. The combination of all these acts is the Haj. My experience is that these *muallims* who come to British India do not take anything from the Hajis in India. I happened to go to the Holy Land in 1930. They did not charge anything in India. In my company, there were lots of poor Hajis. None of

them made any complaint to me about these *muallims* ; but, on the other hand, they were very thankful to them. So my submission is that : without the assistance of these people, it is very difficult for the Indians to perform Haj. So, if this Bill be passed into law, it will only discourage Muslims from performing Haj which is a most essential thing for Muslims who can afford to go to the Holy Land.

It is one of the four duties which are enjoined upon the Muslims. One of them is the regular prayer for five times, another is fasting, the third is *zakat* which means giving away one-fortieth part of savings to charity, and the fourth is this Haj which is incumbent upon those who can afford to do it. It is strange that on this class of people you are going to impose restrictions and numerous conditions and you are giving both to the Central Government and to the Local Governments extensive powers regulating the activities of the *muallims*, on whom, they are at liberty to put any sort of restrictions. First, they have to obtain a licence. I fail to see what is the necessity for this licence. And, then, in order to obtain this licence, they have to go here and there, which is a cumbrous process ; and for that they have to pay some fee. It is strange that this *bona-fide* class of persons who are really very helpful to the Hajis should be made to pay fees. Sir, I am told that the number of Hajis in Bihar has decreased to a great extent on account of these restrictions and registration of *muallims*. My Honourable friend, Kunwar Hajee Ismail Ali Khan, who was a member of the Select Committee, has chosen to change his views. He says there was sufficient circulation of this Bill as it was published in various papers. Sir, we know very well that each paper has got a certain policy of its own. Some papers are habitual supporters of Government, while some are supporters of the nationalist movement ; and, certainly, the papers which my friend relies upon are those which are pledged to support the Government. It is curious that although the Select Committee did not find its way to recommend this Bill, but, on the other hand, recommended its withdrawal ; yet Government have brought it up again with so much indecent haste. Now, looking at clause 6, we find, it is intended to punish persons who employ themselves in advising or assisting pilgrims. This is what it says :

“Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage,” etc.

The words “any matter connected with the pilgrimage” are very significant. Even if a person advises or assists a pilgrim in any matter connected with the pilgrimage, he will come under this clause and be punished and his punishment is three months’ imprisonment. Another thing is clause 7 of the Bill which reads thus :

“Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.”

This is a very mischievous piece of legislation. It is curious that any

12 Noon.

service, which a man thinks fit to offer to the Hajis, raises a presumption that he did it in the hope of getting some illegal gratification. This is the most objectionable feature of the Bill. Every Muslim has some sort of respect for his own religion, and it is quite possible that the person, who offers himself to help and assist the Hajis at the port of embarkation, may do so out of

[Maulvi Badi-uz-Zaman.]

religious consideration ; and, if they give any advice or any instruction to the Hajis, that action would be construed as an offence. Certainly this is the most objectionable feature of the Bill. So far as I have been able to gather from the provisions of this Bill and from the unlimited power which the Central and Local Governments are going to have under this Bill, the object of the Government seems to be to discourage Haj for the Muslims in India. Except that, there is no other motive. With these remarks, I oppose the reference motion.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : Sir, I wish to say a few words in support of the motion. It was said yesterday by some of my Honourable friends that there was some special intention of the Government in introducing this Bill. It is well known to many Members of this House that this Bill was taken up on the recommendations of the Muslim Members of the Haj Enquiry Committee. Evidently, Government have nothing to do with this question, whether religious or social ; and every Member of the House can see that it deals with the religious question of the Muslim community only. Politically, the Government cannot have any advantage whether this Bill is passed or is thrown out. It is the first impression which I wish to remove from the minds of Mussalmans who are labouring under this delusion that it is not the Muslim community who wish to have this Bill passed, but it is the Government. It is sometimes said by those people who are working under the influence of some propaganda that the Government wish to stop the pilgrims from going to Mecca. But, I say, it is politically wrong to think so. If you stop a few hundred or thousand pilgrims, the majority of whom are illiterate and poor, evidently what advantage can the Government have ? None at all. The Government are not so foolish as to do any political action without getting any advantage from it. If a few persons, illiterate and poor, do not go to Mecca, what advantage can the Government have, especially when the King of Mecca is very friendly with us ? So, it is a wrong impression to have, and the history of the case shows that it was the Muslims only who pressed the Government to do something for them ; and, if the Government would not have done it, then they would all have blamed the Government for sitting silently and doing nothing. But, if the Government do anything, then another class of people, who are not the champions of Islam, but the advocates of some Maulvis—I do not say all the Maulvis—come and blame the Government again for doing these things.

The aim and object of this Bill is so good that every Muslim or even a non-Muslim will agree that the object is to save the poor people from cheating, deception and robbery. It is, in the opinion of every one, a greater sin to deceive a person under cover of religion, especially if he is illiterate. If a man comes under the guise of a friend and then turns out to be an enemy, it is more miserable and objectionable than if he plainly comes to you and tells you that he is an enemy. If the *muallims* or guides whose duty it is to help the poor people, start cheating and robbing people then, in my humble opinion, they should be dealt with more strictly than the ordinary cheat. This Bill does not interfere with good *muallims* or others who are good. The object of the Bill is simply that those persons who do all such objectionable things must be punished. It is quite simple. If the Muslims or Maulvis do not like this thing, it shows that they are no more sympathisers with Islam : they have no sympathy with good things

I say, it is the duty of us, Mussalmans, to make the law and those who become reformers must have the courage to be criticised by Maulvis or others who are taking undue advantage of the pilgrims. We are not going to stop the Muslims from doing what is their religious duty. This Bill is not going to interfere with *bonâ fide* people at all. This Bill is so good that every Muslim and non-Muslim should support this motion and this Bill. Those Honourable Members, who have opposed this Bill, do not have one-tenth of the confidence of the Muslim community as is possessed by persons like Sir Abdur Rahim and Sir Fazl-i-Husain. These two persons are too well known to Muslims as their supporters, and, when you find them supporting a measure, it is a guarantee that that Bill or law is very useful to our community.

The present motion for sending this Bill back to Select Committee is such a good proposal that there can be no objection to it. If anybody thinks that some words should be altered or modified, it can be done in the Committee after discussion and something better can be put in. Mr. Maswood Ahmad, who was a member of that Committee, himself says :

“ We think that the Bill has not been so altered as to require re-publication.”

He himself said this two months ago and now advocates that it should be circulated. No useful purpose would be served by re-circulation at all, and these people, who oppose mostly, are priest-ridden ; they have not got the moral courage to go against the few priests or the Press. I, therefore, support the motion for sending this Bill to the Select Committee.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, if there was one motion made in this House for reference to a Select Committee on which there could be no two opinions, I think it is the one before us and, as such, I say, it is pre-eminently deserving of our support. After all, what is it that the Bill is attempting to do ? It attempts to carry into effect the unanimous conclusion at which the Clayton Committee or the Haj Inquiry Committee had arrived. That Committee, in coming to that unanimous conclusion, pointed out that *muallims* or pilgrim guides were fleecing intending pilgrims, and the effect of such fleecing was that intending pilgrims found that before they could embark on the journey, they had lost even the little they had saved for the journey, and so, to provide a check against the activities of such pilgrim guides, the Haj Inquiry Committee very rightly came to the conclusion at which they arrived.

Sir, in the course of the debate on this motion, my friend, Mr. Maswood Ahmad, unfortunately strayed far beyond the scope of the debate and made certain remarks which, I should have thought, he should not have made on any account, at least on the floor of the House. He went the length of making very strong remarks against Mussalmans who were in the habit of shaving their beard. He even went the length of saying that Muhammadans, who shaved their beards, were not Mussalmans. I wonder, Sir, whether my friend himself is in the category of Mussalmans, and I say this, because I believe that, if I am using the Valet Safety to have my shave every morning, my friend, I think, uses the Zero Number Clipper—that probably is the only difference. Such remarks on the floor of the House, Sir, in matters relating to religion, are to be deprecated very strongly, and I wish that my friend, Mr. Maswood Ahmad, refrains from making such remarks in future.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Now, Sir, looking to clauses 6 and 7, I think I shall be failing in my duty if I do not point out to the House that those clauses, as they stand, are a piece of positive mischief and not a piece of legislation. Clause 6 reads thus :

“Whoever, not being a licensed pilgrim guide for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage, other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment,” etc.

Now, Sir, my objection is, you have not attempted to define the word “friend”. That is a word which carries a certain significance in our minds. Whether you circumscribe certain limits, within which a certain person could be called a friend or whether anybody or every body or any one who meets you for the first time you could call a friend, is not evident from the clause, so that it comes to this, that unless you attempt a definition of the word “friend” in clause 6, it will continue to be, as I said, a piece of positive mischief and not a piece of legislation, and, if the clause, as it stands, is incorporated in the Statute-book, it will be a standing disgrace to the legislation of this country. I would illustrate my point this way. My friend, Maulvi Badi-uz-Zaman, has just told us that he has performed the Haj pilgrimage. He is a Hajee. He is fully conversant, not only with the religious rites and ceremonies, but with everything that matters on the journey to and from Mecca. If I happen to have a friend, who intends proceeding on a pilgrimage to Mecca, seeking my advice—though I am quite willing to help him, but not having performed Haj myself,—I take my friend to Maulvi Badi-uz-Zaman who sees him for the first time, and the Maulvi Saheb offers my friend some advice as to how he should conduct himself on the voyage to and from Mecca. Now, as the clause stands at present, my friend, Maulvi Badi-uz-Zaman, will come under its purview that moment. That is exactly the position. I am not exaggerating the position at all. That is the only possible position under this clause. I ask my friend, Mr. Bajpai, whether he would allow this clause to stand as it is? I understand from the speech he made that that is not his desire. His idea is that the clause should be so recast by re-committing the Bill to the Select Committee that, when it emerges from the Select Committee, the stigma or the slur that attached to it now may be removed. That is his idea. On that ground, I support the motion for re-committal of the Bill to the Select Committee. I don't think I need say anything further, so far as the present motion is concerned. I heartily support my friend's motion.

**Khan Bahadur Haji Wajihuddin** (Cities of the United Provinces : Muhammadan Urban) : Sir, while I support the motion moved by my Honourable friend, Mr. Bajpai, to re-commit the Bill to the Select Committee, I would suggest that a few more names should be added to the Select Committee so as to remove the differences as regards certain provisions of the Bill and, with a view to solving the problem more satisfactorily, I propose that the names of Sir Abdulla-al-Mámin Suhrawardy, Maulvi Badi-uz-Zaman, Mr. Uppi Saheb Bahadur and Khan Sahib Shaikh Fazal Haq Piracha be added to the same Select Committee. With these few words, I support the motion.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, in this unfortunate question of *muallims*, some principles have been enunciated which, I think, can be regarded as interference with our religion. Why all this anxiety, and all this haste on the part of the Government to legislate about the agency of Muslim Haj and its ceremonies ? I do not see any restrictions or any rules or any legislation about the agency which carries on the performance of such ceremonies either in Jerusalem or in Baghdad. Even here, in India, have Government legislated for any of the agencies for pilgrims proceeding to Puri or to the Ganges ? Sir, I shudder to find that such legislation is intended merely to restrict the performance of Haj for Mussalmans and it is nothing less than that. This is not the first time that I rise to speak on this question, but, when an allied question was before the House on the last occasion, I repeated the same thing, and from the figures that we find quoted elsewhere and I know it also for a fact that the number of pilgrims proceeding to Hedjaz is getting very small. If there are *muallims* who give their advice to people proceeding on Haj or if there are *muallims* created by the Hajis themselves, how does it matter to the Government or to any people, and why should they show so much anxiety ? Sir, the duty of a *muallim* is merely to guide the people from India to Mecca and other places of pilgrimage, to tell intending pilgrims what are the regular rites and what are the ceremonies which they have to perform, and so on, at the Haj in Hedjaz. Therefore, I ask, how does it affect any relation of the Government of India with any power or even the international relations with the Government of Hedjaz ? Sir, a *muallim* has got his own clientele, just as a *panda* or a *mahant* in this country has his clientele. What those *pandas* and *mahants* do, I leave it to my Hindu friends to tell this House. If you want to hang them here, I shall have no objection whatever, and if the Government of Hedjaz want to hang these *muallims* in their own country, I shall have not the least objection. I am neither a friend of the *muallims* nor of the *pandas*, but I want to know why the Government of India should be so anxious to restrain the movements and actions of those people who come to assist in the pilgrimage to the Hedjaz. Such restrictions on the *muallims* and the *pandas*, or, for the matter of that, on any people who wish to assist, are very objectionable, not only from the legal point of view as my Honourable friend, Mr. Muazzam Sahib Bahadur, has suggested, but also because they affect the freedom of action of the citizens of this country generally and of the Muslims of India especially. By these restrictions, you create a class of people who will have to hang on the members of Government, whether they be members of the Government of India or members of Provincial Governments. They would have to seek their assistance for nomination, for appointments, for licences, and every other blessed thing. You know in what way these things will be worked. Why don't you give the pilgrims the liberty to decide upon their own agents, their own men to assist them in their pilgrimage ? For example, you see how the agents of hotels, etc., come to the station in Simla and at other railway stations to canvas for their clientele. Have you framed any rules against these people ? I submit, not. Then, where is the necessity for you to regulate for those who want to go to the Haj ? Let the Government of the Hedjaz make their own regulations and frame their own laws on the subject. If this action is persisted in by the Government, the Mussalmans of India will be forced not to take any help from those whom they like ; but they may also say : " We shall go and search out our own agents in the land of the Hedjaz ". I am not to be

[Mr. Muhammad Azhar Ali.]

guided in my religion by my Leader, Sir Abdur Rahim, or by Kunwar Hajee Ismail Ali Khan ; it is a matter of right with me, I have my own rights and my own beliefs. There may be people appointed by the Government as *muallims*, *qazis* or *muftis*, but I have the right and the liberty to regulate my own religious actions and civil rights. Nothing should come between my God and myself. It is indeed also a matter of charity to a Mussalman. A Mussalman thinks that if he supports a certain *muallim*, it is a religious act. It is not a question of performing ceremonies only ; it is also a question of doing charity and thus doing a religious act. With these words, I submit, that the Bill should not be re-committed to the Select Committee, but that it should go for circulation.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands) : Sir, I did not expect that the motion that is before the House would evoke the discussion that it has done, and I did not realise that now-a-days memories were so short that the history of this measure would be more or less as it were a matter of archæology.

**Sir Abdulla-al-Mámūn Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : Like the history of the Constitution.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Yes. Therefore, I would ask the indulgence of the House just for a few moments to state how we have reached the present stage in this particular matter. I think it was in the year 1928 that this House appointed the Haj Enquiry Committee. That Committee took about a year or so to make a report. It consisted of Members of the Central Legislature and one outsider. They were all Mussalmans except for the Chairman. Their report was mostly unanimous. One part of the report was to the following effect. There are serious complaints as to the pilgrim guides' operations in India, that is to say, before embarking, inasmuch as it is alleged that some of them cheat and maltreat the ignorant class of Hajis. That cheating and maltreating is not with reference to any religious rites, but with reference to purchasing of tickets, railway or ship tickets, with reference to purchases of food, and purchases of other things, and in the matter of accounts. I think I am right in saying that as to the existence of these complaints there are no two opinions. There may be differences of opinion as to the cause of these complaints. I have tried to find out what possible explanation there can be as to the existence of these complaints, and why these complaints exist. I have been able to find one man who says that these complaints are altogether unfounded. All guides are good, helpful, honest and straightforward, and that complaints do exist but they are due to the fact that the average Indian pilgrim is very miserly and stingy. He welcomes all the services these pilgrim guides render to him but when the time comes for paying them, he is very miserly and would like to pay half the sum that is really due, with the result that the pilgrim guide is offended and when he is offended he makes a row and he extracts the balance of what he considers his due and the Haji says, the pilgrim guides are a bad lot. This gentleman was, I should say, an advocate of pilgrim guides, saying that they are perfectly in the right, that the Hajis are in the wrong and the existence of complaints is due to what he calls the inherent defect of character in the average Indian pilgrim who wants to receive services but not make adequate payment for them. I am not in a position to say whether this gentleman who represented the cause of the

pilgrim guides very strongly to me is in the right or not but the vast majority I came across have said that there are pilgrim guides and pilgrim guides. Some of them are good. Some of them are bad. The bad ones do maltreat the pilgrims. They do cheat them and such instances have occurred and they are given currency to and the pilgrim guides have got a bad name. Therefore, I assume that so far as the existence of complaints goes, the Haj Inquiry Committee were in the right, that in all probability the explanation that there are some who are good and some who are not good is also the correct one. So we arrive at the position that there is certain grievance based on really unsatisfactory pilgrim guides operating in India, that it is desirable in the interest not of the Muslims of the status, knowledge and position of the Members of this House but of their ignorant poor brethren who are not in a position to cope with men with wide experience, sharper intellect and greater knowledge of the world who can impose themselves upon these untravelled ignorant Indian Muslims who in their anxiety to go to Hedjaz fall victims to the unscrupulous character of some of these pilgrim guides. I think, Sir, on this point also there will be no difference of opinion even amongst those who have spoken on the subject, that is to say the desirability of taking such action as is possible or as it is practicable to take in order to remove this defect. There are some who feel that it is not possible to eradicate this defect by legislation. There are others who feel that no doubt legislation may not eradicate it altogether but it may go some length in counteracting the fraudulent acts or deceitful acts of these pilgrim guides. I do not think I am really called upon now to say that a law, if eventually passed, will stamp it out altogether, but I think the House will agree with me that it is a matter which is worth trying.

This Bill was introduced as long ago as March, 1932. It was referred to a Select Committee and a very strong Select Committee, which sat in the summer of 1932 and thrashed out the whole thing. They arrived at their decisions which are incorporated in the revised Bill that was laid on the table of the House but when we had finished our labours some of us, in fact most of us, felt that the Bill was not as definite as we desired it to be. It appeared to us that it probably would cover many cases that we would rather exclude from the purview of the Bill and in the second place that there were cases which we would like to provide against which were not covered by the provisions of the Bill. Therefore, the majority of the Select Committee said that the Bill that we had eventually brought out be not for the present proceeded with. Some thought that the Bill, as it had been thrashed out, was a good Bill and, therefore, they wanted to proceed with it, with the result that Government decided to act on the advice of the majority, and not forthwith proceed with the Bill. It was laid on the table of the House I think last February and then the question for Government to decide was what to do with it. The advice was "do not proceed with it for the present". A strong minority consisting of Sir Abdur Rahim and another Member said "Proceed with it as it is". The next step that Government took was to consult the Standing Haj Committee. Their advice was, "let us have the opinion of the Muslim Press and the Muslim public". So the Bill was sent round to all the papers whether they were in receipt of Government advertisements or not, whether they were pro-Government or anti-Government. How can you say that the Press like other public people are pro-Government or anti-Government without referring to a particular date. Is that not so? People with open minds, as we are in India, can change our minds like other people. We may hold



[Khan Bahadur Mian Sir Fazl-i-Husain.]

an opinion for a measure today and next week we may hold a different opinion. Therefore it would have been rash on the part of my Department to refuse circulation of this measure to a paper on the assumption that yesterday it was anti-Government, for who knows that it may not tomorrow be pro-Government. I am not one of those who are pessimistic about change of opinion. I always hope and trust that if my opinion is the right one, those who do not share my views today may do so tomorrow.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : You may change your view also.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Yes, but I would prefer to put it the other way. The result was that when all these opinions were actually received we found that those who stood out against the Bill were not more than three. One of them was the *Al Jamiat* of Delhi which some people allege has been for a long time non-co-operating and holding views about civil disobedience of a very extremist nature, though I hear that recently it has had occasion to modify its views in the light of the new circumstances that appear to have come into being. Therefore, there was a very strong opinion in support of the Bill and yet at that time there were two courses open to Government to adopt. One was to proceed with the Bill and the other was not to proceed with it but to have it recommitted to the Select Committee with a view to enable all the suggestions that had been made during this canvassing of public opinion to be discussed in the Select Committee in the light of the criticism received and to see if it were prepared to modify the Bill or not. I thought, as I said, at the very beginning of my remarks, that this was a reasonable course to adopt and that there would hardly be any objection from any part of the House to this being done. Why, then, this occasion has been availed of to enter into a discussion in which two or three things have been prominently brought out. One is the usual argument that the *Shariat* is in danger ; you are legislating about religion and therefore we are on principle opposed to any legislation of the kind. Well, Sir, I understand this line of argument but I must frankly state that I do not agree with it nor do I want to encourage it. Situated as Muslims are in India, for us to take the line that everything relating to Haj even though it be a case of transport from the home of the Haji to Bombay is a religious matter, neither for the present Government nor for any other Government that one can conceive of in India, would it be possible to make any proper and suitable arrangements. The matter of this Pilgrims' Guides Bill is not a religious matter ; it is a matter of protecting the ignorant against the professional men, some of whom are strongly believed to be not what they ought to be. Therefore, the legislation contemplated is one of the ordinary kind protecting the weak against the more clever to such an extent as the State can. The second argument is that Haj has a great significance of which the British Government is very much afraid and therefore the British Government has conceived a plan of having a number of laws made relating to Haj, the effect of which would be that people will not go to perform their Haj. The Haj will die out and the Muslims will not proceed to Hedjaz. It is really to make a statement on this point that I ventured to ask you, Sir, to let me speak. So far as I know, as a Member in charge of this Department, there is not the slightest foundation for this suspicion. My policy is to do all that can reasonably be done to afford comfort and protection to the pilgrims, to give them all facilities that it is possible to

give and to make their trip to Hedjaz as comfortable and as little expensive as possible. And why ? Firstly, because it is the religious duty of the Mussalmans who can afford to perform the Haj and why should I or the Government of which I am a Member stand in the way of that being done. Secondly, I, in common with most of the Members of this Assembly, believe that a travelled person is a much better citizen than an untravelled person.

*Tá bá du' khán-i-kháná dar girvi.*

*Hargiz áí khám / ádmí nah shavi.*

As long as you are confined within your own house, you will never really attain maturity. That is the reason why this House always likes a large number of its Members to proceed to England now and then.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : At the expense of the Government.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : No, no ; you must not indulge in insinuations. And Haj affords unique opportunities of benefiting by travel by making people come in contact with people of other countries. If you simply go as Cook's tourists, you can only visit particular countries, one after the other, at a tremendous expense to yourself. But if you go to perform your Haj, inasmuch as a very large number of people from different countries have travelled to the same destination, you have the benefit of meeting not only the people of Hedjaz but people from all parts of the world. Now, that is a civic advantage, an advantage which all Hajis bring back to India not only for their own personal benefit, not only for their own religious benefit, but I call it also a civic benefit. In other words, their horizon and outlook are widened by rubbing their shoulders with people from different countries, which, in itself, is a great asset to them. Therefore, how is it possible that I or this House should countenance in any way the policy of restricting the movements of Muslim Hajis to Hedjaz ? There is not the slightest sense in that policy.

**Mr. Muhammad Azhar Ali** : Are you afraid of Pan-Islamism ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The Honourable Member from the United Provinces is talking of Pan-Islamism.

**Mr. Muhammad Azhar Ali** : I do not talk.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : You have put me that question. There is nothing to be ashamed of in that.

**Mr. Muhammad Azhar Ali** : I am not at all ashamed to have put that question.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : I turn from him to the right and look at my Honourable friend, Sir Abdulla Suhrawardy, who was believed at one time to be the prophet of Pan-Islamism in India and, with whom, I have been in intimate touch ever since this young prophet came from London *via* Egypt to Lahore where I had the pleasure of having him nominated as the Principal of the Islamia College of which Institution I was the Secretary. Therefore, so far as the Pan-Islamic movement in India and, for the matter of that, in the world is concerned, probably in this House, after Sir Abdulla Suhrawardy, I know more than any other Member does. When I say I know more, I mean not only the outward expression of it, but the inward significance too. Sir, Pan-Islam

[Khan Bahadur Mian Sir Fazl-i-Husain.]

of which young Muslim India dreamt years ago was never more than a myth and today, there are not even the ashes left of that myth. Therefore those Honourable Members who imagine that there is a bogey of Pan-Islamism of which Europe is frightened, I am afraid they are suffering from some hallucination or delusion. I assure the House, I do not think the House needs that assurance, but if a few Members are still dreaming of Pan-Islamism, I say they had better make up their minds to stand on their own legs in India as Indians. (Hear, hear.) The utmost they can do in that line is to make up their minds to proceed to Haj as soon as they have enough money to do so.

**Shaikh Sadiq Hasan :** Will the Honourable Member do the same ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** When I see the Honourable Member come back safe and an improved man after performing the Haj, I shall do so. I trust these few observations I have made will assure the Honourable Members, that there is no foundation for the suspicion of those who have been saying that Government want to stop people proceeding to Haj. I trust these suspicious Members possess the zeal and enthusiasm for Haj more than is possessed by others. When I, on the floor of this House, ask them to take the earliest opportunity of proceeding to Haj surely it cannot be said that the Government of India want to discourage pilgrimage and I trust that the request I have made to them, they will in their turn make to those outside this House who can afford to make the pilgrimage. Having said that I need say nothing more and I trust that the motion before the House will be passed unanimously and I further hope that the committee will be in a position to thrash out a Bill which will save the ignorant Indian Muslims from such losses to which they have been liable in the past and thus encourage others to proceed to Haj instead of discouraging them. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member, Mr. Muhammad Azhar Ali, has just handed in notice of an amendment. But the Honourable Member knows that he has already taken part in the debate and he has lost the right of moving his amendment.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I say at the very outset that the Honourable Member in charge of this Bill has as much right to speak on behalf of Muslim community as any other elected Muslim Member of this House. (Hear, hear.) He commands the confidence of the Muslims as much, if not more, as any other person. I also say at the outset that those Members of the Legislature whose names are found amongst the Members of the Select Committee are as much true representatives of Muslims as others whose names are not there. We have as much confidence in them as we have confidence in those who are not members of the Select Committee. Therefore, this point is quite clear that there is no question of confidence or no-confidence in the members of the Select Committee. All of us have got at heart the interests of Mussalmans for whose benefit this legislation is intended and there is no question of attributing motives. One thing I always emphasised that, it is the duty of every Government to protect the interests of its subjects, their lives, their properties and their personal rights, in India and outside India ; and it is on account of this plea that we always demanded that life and property and other

rights of Indians in South Africa and other places should be protected. I think a Government will fail in its duty, if it did not protect the life and property and privileges of its own subjects in every part of the globe. That I think is quite legitimate. But the wordings of the Bill as it is drafted really go much wider than what was intended and I hope that the Select Committee would look into the matter. As far as I can see I suggest that the operation of this Bill should be restricted to the legitimate protection of the rights of the pilgrims and their lives and properties during their pilgrimage, and not interfere in personal laws of Mussalmans. I hope that this point will be taken into consideration by the Select Committee and I hope that the terms of the Bill which are so wide will be restricted. I believe we should give an opportunity to our colleagues in whom we have full confidence to consider this matter, and take into consideration the views that have been expressed on this Bill by Muslim public. There was a suggestion made by my friend, Khan Bahadur Haji Wajihuddin, that if the Honourable Member in charge of the Bill may find convenient, he may add three more members to the Select Committee. I do not object to this proposal. But I find that the Select Committee, as it is constituted at present, has got a sufficiently large number of trustworthy Muslims on the Committee. So, if we add more members it would be adding more sugar to a thing which is already sweet and I would welcome it.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division : Muhammadan Rural) : It is hardly necessary for me after the Honourable Member in charge of the Bill has spoken and has replied to the various objections raised by some of my Honourable friends to speak at length. I am very much grateful to my Honourable friend, Kunwar Hajee Ismail Ali Khan, for clearing up certain matters with which I too was connected. I am told that both my Honourable friend, Shaikh Sadiq Hasan, and our new friend, Mr. Maswood Ahmad, questioned the propriety of Government in calling my humble self, Kunwar Hajee Ismail Ali Khan and Maulvi Muhammad Shafee Daoodi for advice in the matter of draft rules under the Merchant Shipping Act passed in Delhi this year. It was very nice of my Honourable friend, Kunwar Hajee Ismail Ali Khan, to have told Mr. Maswood Ahmad that the remarks which the latter made on the floor of this House at Delhi were considered by the *ad hoc* Committee of which we were members. It was unfortunate for us and for Government that my Honourable friend, Mr. Maswood Ahmad, could not spare time at home to come and join this Committee. Before my Honourable friend, Mr. Maswood Ahmad, said so many unkind things with regard to that Committee I should have liked him very much to see first of all whether the objections that he raised during the last Delhi Session were not gone into by Government and how far they were modified and whether the objections for which my Honourable friend, Mr. Maswood Ahmad, put up such a bold fight during the last Delhi Session were not substantially removed and the suggestions made by him embodied in the rules that we framed. Coming to the subject matter of this small Bill it appears that my Honourable friend has confused the whole issue altogether. It has absolutely nothing to do with Muslim religion. I am a humble follower of that religion and hailing as I do from Eastern Bengal, which is not unknown to my friend, Shaikh Sadiq Hasan, he knows how orthodox we are and how bitterly we feel if anything touching our religion is done by anybody or even hinted at

[Mr. Muhammad Anwar-ul-Azim.]

by anybody. This Bill will clear the position of the *bona fide muallims*—Religious preceptors in general, and others working in the Holy Lands will not be touched. It will also at the same time help the poor and unwary from being fleeced by cheats in the guise of *muallims*. This Bill is a move in the right direction. The Port Haj Committees alone

will take cognizance at the first instance. But it seems  
1 P.M. very puerile that Mr. Sadiq Hasan, Mr. Maswood Ahmad and last, but not the least, Mr. Azahar Ali should take upon themselves to digress from the main line and bring in unnecessary things which do not form part of the religious question. It is said that the Bill is very wide. I think it is not only not wide but on the other hand it is too restricted. What trouble is there for any of these gentlemen, who occasionally pilfer men and women who go to the Haj, to get licence just to show that he is not one of those pilferers and not guilty of malpractices against whom this Bill is directed? My humble submission is that if my friends consider this matter from that point of view they would not oppose the Bill with such vehemence. It is so very easy to excite the mass mind.

Certain friends have asked why Government are so solicitous about the welfare of the pilgrims and not of the *pandas*, and *thakurs* at Hindu shrines. Of course the answer is obvious, that Government as a result of great agitation and representation formed the Haj Inquiry Committee. They went to the length of spending several lakhs of rupees, and if that Committee came to the decision that some laws must be made with regard to regulating the conduct of these *muallims*, I am certain their objection falls to the ground. Sir, I do not think it is necessary for me to take the time of the House but my impression is that if my friends go thoroughly through the report of the Haj Inquiry Committee and look at it from a detached point of view they would not clamour so much with regard to the main provisions of this Bill. Last but not the least. Sir, it is not my business to defend Sir Abdur Rahim; I know him as a Leader of the Independent Party and a great Indian, and as a matter of fact the *de facto* Leader of the Opposition in this House now. And if my friends had any respect for their Leader they would not raise so much objection to this Bill going back to the Select Committee. The opinion of a gentleman like Sir Abdur Rahim is certainly to be respected at least by Members of the Independent Party. And what does he say here? He says that perhaps it may not be possible by this Bill to stop the nefarious activities of the *muallims* fully. No laws are perfect and as such it is more or less a trial, and if my friends think it will injure them or that it may not be effective, it might be considered fully later on in the Select Committee. I think, Sir, Government should not have asked for recommitment of this Bill to Select Committee but they would have been wise to move that the Bill should be passed forthwith. With these words I support the motion.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, after what has fallen from the Honourable the Education Member, there is nothing for me to say as regards either the merits of the motion or the merits of the Bill. If I have risen it is only to deal with one point which was made by my Honourable friend, Haji Wajihuddin. He suggested that there should be certain additions made

to the Select Committee. I would repeat to him the words of my Honourable friend, Dr. Ziauddin Ahmad, that the Committee is already sufficiently representative and independent not to need any further addition. That is all I have to say.

**Mr. M. Maswood Ahmad :** Sir, I have to offer one word of personal explanation. Yesterday I did not object to the personnel of the men who attended the Conference, but I objected to the principle, because Government did not consult the representatives of this House, *i.e.*, the members of the Standing Committee for Haj Pilgrimage but they took certain other people in that Conference. I did not intend to say that they were not representatives of the people ; they were certainly representatives of the people, but they were not the representatives of this House. I objected yesterday to the principle and not to the personnel.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I should like to submit that as Mr. Rajan Bakhsh Shah and Mr. Sayyid Murtuza Saheb are ill and have not come this Session, they may be replaced by Maulvi Badi-uz-Zaman and Mr. Uppi Saheb Bahadur.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I trust that the Honourable Member does not mean that they are going to be ill during the whole of the next year. This Select Committee is not intended to sit straightaway ; as a matter of fact, it is intended that it should meet some weeks and possibly some months hence. And, in fact, it is intended to consult the new Port Haj Committees as well. Therefore, the deliberations of this Committee will really commence some weeks or months hence and will not be over for the next six months or so. In case the Honourable Member has information that the illness of these two gentlemen is likely to be protracted, that is of course a different matter. But otherwise I do not think there is any need to replace them.

**Mr. S. C. Mitra :** What I say is that Mr. Rajan Bakhsh has written to say that he has been ill for a long time and it may not be possible for him to attend, and the same is the case with Murtuza Saheb. So, I think, they may be replaced.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : But the Honourable Member cannot assert that they will continue to be ill.

The question is :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee.”

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move :

“ That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Sir, this is a very small measure which has, however, a somewhat long history. I think if my friends opposite would study the measure carefully and the recommendations of the Banking Inquiry Committee on the subject, they would find that the Bill, as at present drafted, gives exact effect, or as nearly as possible, exact effect to the recommendations of the Banking Inquiry Committee. The object of this Bill is to protect Banks and the public in respect of endorsements on cheques which are on the face of them payable to bearer. It says :

“ Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or in blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation.”

The necessity for a measure of this kind to protect bankers really dates from a judgment given by the Bombay High Court in 1924, a judgment which decided that a *Hundi* which on the face of it was payable to bearer but bore an endorsement restricting its bearer character had thereby changed its character. That judgment was a very upsetting judgment to Banks which had hitherto only regarded the nature of the document as it appeared on the face of it. The decision was then taken to legislate and to make the provisions of the present Bill applicable both to *Hundis* and to cheques. That led to a great deal of discussion, and eventually after the measure had come forward on several occasions, it was decided to withdraw it and await the recommendations of the Banking Inquiry Committee on the matter. The Central Banking Inquiry Committee dealt with this matter in paragraph 564 of their Report, and their recommendation is as follows :

“ The question has been fully considered by the Provincial Committees and some of them have recommended that the Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer would, despite any endorsement, retain their character as bearer instruments. We concur in this recommendation. We also approve of the recommendation made by the Madras Committee that any holder of a cheque should have the right to alter the character of the cheque from ‘ bearer ’ to ‘ order ’ on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration. It should not, however, be altered by endorsement on the back of the cheque. We further recommend that *Hundis* which are drawn in the form of cheques should be treated similarly. We are not, however, in favour of interfering with the existing practice in regard to other *Hundis* and do not recommend that the practice ‘ once a bearer, always a bearer ’ should be made applicable to such *Hundis*.”

Now, Sir, in making their final recommendation the Banking Inquiry Committee were really meeting the objections which have been raised to the measure which had been formally proposed by the Government, and in substance we have in this Bill given exact effect to the recommendations of the Central Banking Inquiry Committee, that is

to say, this Bill which embodies the principle of 'once a bearer document always a bearer document' only applies to cheques and not to *Hundis*. Now, Sir, I believe that, having met that point, there is nothing which any Member of the House could object to in this Bill, but I see that there is down on the Order Paper an amendment in the name of my friend, Mr. S. C. Mitra, to the effect that the Bill should be referred to a Select Committee. This measure has waited for a long time to come to birth, and as it has waited from 1927 to 1933 and as the whole of the banking machinery of the country has not been paralysed by the defect in the present position, I do not think it can be argued that a further delay of two or three months would be of very serious import. Therefore, if there is any feeling on the part of Honourable Members opposite that they want more time to consider this Bill and they would like to examine it in detail in the Select Committee, I on behalf of the Government would not object to that course. But I would put it to the House that I am quite satisfied in my own mind that the delay is unnecessary and that the hour or so which the Select Committee will spend in going into this question will really be wasted; but if Honourable Members feel that they would like the delay, I am quite prepared to accept the motion for reference to Select Committee. I do not think I need say any more on this motion in order to explain its object. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State, be taken into consideration."

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

"That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. K. Puri, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gaya Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajeo Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I agree with the Honourable the Finance Member that the scope of this Bill has been much curtailed by excluding *Hundis* from coming under the scope of the present Bill. I also thank the Finance Member for saying that he has no objection to this Bill being referred to a Select Committee. I have consulted some friends on this side of the House and they feel that this matter should be further considered. The main point is this. Here, in India, we have two kinds of cheques, one, the order cheques and the other bearer cheques. As regards order cheques, they do not come under the purview of this Bill; it only deals with bearer cheques. The custom in countries, where there is an advanced system of banking, is that a bearer cheque is negotiable even without a signature. But here, even though it be a bearer cheque, the banks require endorsement with a signature on the back of it. Not to say of cheques, even Government currency notes for Rs. 10, not to speak of notes of higher denomination, people demand to be signed and endorsed on the back. It has become almost a custom with the public even in bearer cheques to require endorsement on the back. In the interests of the banking system, it may be necessary that we



[Mr. S. C. Mitra.]

shall have to gradually go back to the more advanced practice of the West that once a bearer cheque should always remain a bearer cheque. But, so far as I understand, even the Banking Enquiry Committee has said that if a bearer cheque has been changed into an order cheque on the face of it, that should be accepted as an order cheque. But in this Bill I think the intention of the Government is to make a bearer cheque always a bearer cheque even if it is changed on the face of it into an order cheque. These are matters which I think should be considered in a Select Committee, because it is a question of changing the habits of our people which are almost ingrained in them. I do not want to go into the earlier history of this legislation. I do not want to quote from the speech of the Finance Member himself when he moved on the last occasion for sending a similar Bill to a Select Committee. The Bombay High Court's final decision was given in 1924, but it has not put the banks in such a position that they are not able to carry on their business, as has been admitted by the Honourable the Finance Member himself. I hope the House will agree to my motion of reference to the Select Committee.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be referred to a Select Committee consisting of the Honourable the Finance Member, the Honourable the Law Member, Mr. Vidya Sagar Pandya, Mr. B. R. Pari, Mr. Muhammad Muazzam Sahib Bahadur, Mr. K. C. Neogy, Mr. Gaya Prasad Singh, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Dr. Francis Xavier DeSouza, Mr. Lalchand Navalrai and the Mover, with instructions to report before the 30th November, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### THE INDIAN ARBITRATION (AMENDMENT) BILL.

**The Honourable Sir Bepin Behary Ghose** (Law Member) : Sir, I beg to move :

"That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration."

The matter is very simple and I hope it is not controversial. I may shortly state the case for the information of my lay friends. The Indian Arbitration Act of 1899 applies to a certain class of cases. In section 19 of the Act it was provided that if one of the contracting parties after agreeing that their dispute shall be referred to arbitration brings a suit in a Court, then the defendant may apply that the suit be stayed in order that the matter in dispute may be referred to arbitration. With regard to that, section 4 of the Act defines a Court, in the Presidency Towns as the High Court, and elsewhere the Court of the District Judge. It so happens if a suit of the nature is brought in a Presidency Small Cause Court, that Court has no power to stay proceedings. The defendant has to apply to the High Court and the High Court has no seisin of the suit itself and it has been found to be rather disadvantageous. The present amendment only says that for the words "the Court" the words "the judicial authority before which the proceedings are pending" be substituted. If this amendment is carried, then much of the inconvenience to the parties will be removed,

so that the Court which has seisin of the suit will have the right to stay proceedings. The party will not have to go to the High Court, or in a mofussil, the suit may be in a Munsif's Court, and the party will have to go to the District Court in order to have it stayed. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.”

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I fully

agree. It is only reasonable and fair that when a certain matter has been referred to arbitration, the Court should not go into the question involved in the arbitration proceedings until the arbitrators have decided it. Then it could come up before the Court if objections, if any, are lodged against the award. Therefore, it would be an anomaly if the arbitration proceedings should be carried on and also the Court should at the same time be investigating and determining the same matter. So long as the arbitration proceedings go on, the matter in Court should remain in abeyance. The next point is which is the Court to which application should be made for stay of proceedings. The law at present is not definite, and anybody can go to any Court and ask that the proceedings be stayed. Suppose a case is pending in a Subordinate Court, one can go to the Small Court and ask for stay of proceedings. That is not reasonable or legal. Therefore, both the points that have been covered by this Bill are absolutely necessary and I support the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Arbitration Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2, 1, the Title and the Preamble were added to the Bill.

**The Honourable Sir Bepin Behary Ghose** : Sir, I move that the Bill, as passed by the Council of State, be passed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as passed by the Council of State, be passed.”

The motion was adopted.

## THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary) : I beg to move :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

This, Sir, is a small Bill which I hope will not detain the House for more than a few minutes. It arises from a representation that was made to us by the All-India Cantonments' Association who pointed out that under the Act, as it stands, at present, the owner of a house which it has been proposed to appropriate under the Act might be put to

[Mr. G. R. F. Tottenham.]

certain inconvenience and unnecessary expense for the reasons explained in the Statement of Objects and Reasons.

Briefly the position is that when the Commanding Officer proposes to appropriate a house, he serves a notice under section 7 of the Act on the owner of the house. Then the owner of the house, in the first place, may appeal to the General Officer Commanding the District against the appropriation of the house and, in the second place, may make a reference to the civil Court on the questions of rent and repairs to the house. The owner is allowed 21 days to make his appeal to the General Officer Commanding and he is allowed 30 days to make his reference to the civil Court ; but at present both those periods run from the same date, that is the date on which the notice was served on him under section 7. Therefore, in nine cases out of 10, the owner has to make his reference to the civil Court before he has received orders on his appeal to the General Officer Commanding : and if his appeal to the General Officer Commanding is successful, the trouble and expense he has gone to in making the reference to the civil Court is wasted. Therefore, we propose in the present Bill to allow the time for making a reference to the civil Court to run, not from the date on which the notice is served on him, but from the date on which he receives orders on his appeal to the General Officer Commanding. I think that everybody will agree that that is entirely reasonable. It will, however, to some extent, lengthen the whole proceedings, and therefore, we propose also to make a slight reduction in the time allowed for the owner to make his appeal to the General Officer Commanding and to reduce that period from 21 days to 10 days. That will give the owner ten clear days in which to make up his mind whether he wishes to appeal against the appropriation of the house. That, Sir, also I think is reasonable ; but in order to make quite sure I took the precaution of consulting the All-India Cantonments Association on the point and they replied as follows :

“ I have to acknowledge your letter and to convey the sense of the Association's grateful appreciation of the Government's acceptance of the suggestion made by the Association. The Association has no objection to the proposal to reduce the time for making an appeal to the District Commander to ten days.”

Those of us who are acquainted with the All-India Cantonments Association know that it is an extremely efficient body which keeps a most vigilant eye on the interests of the house owners. I think we may, therefore, rest assured that this proposal will be acceptable to the house owners in cantonments and I have no hesitation in recommending it also to the acceptance of the House. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I am very glad that better sense is returning to the Army office now. I am glad to see that what is proposed now is to give reasonable facility of time to the person who comes as an aggrieved party against a decision to an appellate Court within the time allowed. The limitation law

prescribes this already. It does provide that time for an appeal runs from the date of the decision of the lower Court. That limitation time which is a general law was foreign to the Army Department and not such as the Army office would accept and I am, therefore, very glad that the general law is now being accepted and I hope that by and by the Army office would go on acceding to the reasonable demands which the Indian people put forward. I, therefore, support this portion of the Bill.

Coming to the next point, in which time is being shortened I would certainly be against it but there is one consideration that weighs with me. Those who live in cantonments are intelligent people and they also know the law. On account of the drastic way in which the army regulations have been worked, they have been wide awake. So this shortening of time also will not affect them much as they are sure to remain vigilant of the period of appeal. I support the whole Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4, 5 and 1 and the Title and the Preamble were added to the Bill.

**Mr. G. R. F. Tottenham** : I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

## THE DANGEROUS DRUGS (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : I beg to move :

“ That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, be taken into consideration.”

This is a very small measure which, as my Honourable friend the Army Secretary said just now, I hope, will not detain the House for more than two minutes. The object of the Bill is clearly explained in the Statement of Objects and Reasons. The provision in section 2 is merely intended to make effective the Government's adhesion to the International Convention on the subject and the second provision in section 3 is intended to give Provincial Governments greater powers of restriction than they enjoy at present. At present they have powers of restricting the amount of raw opium that may be lawfully possessed by one person at a time but not of restricting the amount of prepared opium made from raw opium, and this Bill gives power to restrict the amount of prepared opium in the possession of any individual. The restriction has been asked for by the Provincial Governments themselves and I need say no more on the subject. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Schuster** : Sir, I move that the Bill be passed.

The motion was adopted.

### MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

**The Honourable Sir Joseph Bhole** (Leader of the House) : Sir, I move the motion which stands in my name, namely :

“ That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration.”

The opportunity for discussion which this motion affords is given in fulfilment of an undertaking by the Political Secretary so far back as 1922, an undertaking which has at least implicitly if not expressly been subsequently endorsed, that the Government would come to no final conclusion without giving the Legislature an opportunity for the discussion of this matter. The communiqué sets out the considerations in favour of the transfer of control, the arrangements proposed by His Majesty's Government should it be eventually decided to transfer control and the financial consequences to India of such a transfer. I need hardly assure the House that the views expressed here will be most anxiously and carefully considered by the Government of India and they will, of course, be forwarded for the consideration of His Majesty's Government. In addition, regard will also have to be paid to the views expressed outside this Chamber and to the views expressed by interests concerned both in India and in Aden. Before discussion begins I ought, however, to take an opportunity of removing possible misapprehensions and of giving certain information to the House which may assist it in coming to a conclusion. I noticed during the course of discussions on a similar motion in another place that the suggestion was made—I would put it no higher than that—that Government had gone back on a declaration made by Sir Denys Bray in 1929 that all idea of the transfer of Aden from India had long since been abandoned. Now, Sir, anybody who studies the remarks of the Foreign Secretary in their proper context will, I am sure, not persist in that suggestion. He could not possibly do it. What obviously the Foreign Secretary meant was, that the transfer of Aden had been abandoned as a solution of the post-war controversy in regard to the future of Aden because this question had been settled by the decision of His Majesty's Government in December, 1926, and the transfer of the civil administration was, therefore, in 1929, not a live issue. Obviously, the Foreign Secretary's undertaking that the House would be given an opportunity of prior consultation would have been entirely meaningless if he had meant that the idea of transfer would never be considered at all. That brings

ne to another point. The Foreign Secretary, Major Fraser-Tytler, in answering a question put by my Honourable friend, Mr. Gaya Prasad Singh, gave an undertaking to furnish the House with the views of those interests which were concerned in this matter. As the House is, I think, fully seized of the views expressed in India, I will confine myself as far as possible to the views expressed in Aden.

The House is aware that the Indian population of Aden numbers 7,287 out of a total of 46,638, and I may say at once that Indian opinion is definitely opposed to the separation of Aden from India. We come next to the Arabs. The Arabs number 29,820 out of a population, as I have said, of 46,638 according to the census of 1931. The Arabs are content with the existing system of administration which they would like to see continue; but, since constitutional developments in India would make this impossible, they would, on the whole, prefer that the administration of Aden should be controlled by His Majesty's Government. They fear, under the Federation, the subordination of Arab interests and a progressive increase in the commercial domination of Indian firms. On the other hand, they desire that the following existing conditions should be continued if transfer takes place, namely, (a) Aden should remain a free port, (b) taxes and other dues to remain as they are, (c) laws and local regulations to remain as at present and (d) all existing civil rights of inhabitants to be maintained. If these are not to be maintained, they are opposed to transfer. They are also apprehensive lest the annual contribution of 20 lakhs should, in the event of transfer, be recovered from them by His Majesty's Government. On this point I take this opportunity of assuring them that their apprehension is groundless. In this event, that is to say, of transfer, the charge would be borne by His Majesty's Government.

Now, Sir, I think I have given the House as much information as I am in a position to do. I need only say that Government will take no part in the discussion except to remove misapprehensions and to provide any relevant information which they may have in their possession.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration.”

There are a number of amendments on the Order Paper and the Chair proposes to inform the Honourable Members the procedure which it would like to follow in the discussion. The amendments fall into various classes. The amendment of Mr. Bhuput Singh not only objects to the transfer of civil control of Aden but wants that the military and political control should be re-transferred to India. The amendment standing in the name of Mr. S. C. Mitra and Dr. Ziauddin Ahmad only protests against the transfer of the military and political control and objects to the transfer of civil control. The amendment that stands in the name of Messrs. Ranga Iyer, Mody and A. Das acquiesces in the transfer of military and political control but objects to the transfer of civil control. The amendment of Mr. Gaya Prasad Singh does not express any opinion about the military and political transfer but objects to the transfer of civil con-

[Mr. President.]

trol. There is a further amendment in the name of Mr. Jehangir K. Munshi which advocates the transfer of civil control. What the Chair proposes to do is this. The Chair would first call upon Mr. Bhuput Sing to move his amendment and, then, if they are so advised, Messrs. Mitra or Dr. Ziauddin Ahmad may move the amendments that stand in their name. Afterwards the amendment that stands in the name of Mr. Ranga Iyer can be moved if he so desires. Then Mr. Gaya Prasad Singh will have a chance of moving his amendment and lastly Mr. Munshi. The discussion will be thrown open on all the amendments and the original motion and when the time comes for putting the question, the Chair will put the most comprehensive amendment of Mr. Bhuput Sing first to the vote and, if that is lost, the amendment of Mr. Mitra and Dr. Ziauddin will be put to the vote and, if that is lost, the amendment of Mr. Ranga Iyer will be put to vote and, if that is lost, the amendment of Mr. Gaya Prasad Singh will be put to vote and, if all these are lost, the amendment of Mr. Munshi will be put to vote.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, I beg to move :

“ That for the original motion the following be substituted :

‘ In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures in spite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty’s Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India ’.”

Sir, India, as a whole, feel very strongly on this subject, as this has all along been mishandled by the Government of India. To my mind, no words are too strong for criticising Government in this respect and I would say that the Government of India have all along not only mishandled but bungled on this question. They have all along made themselves subservient to the Colonial Office and the British Cabinet. If I am to quote the innumerable promises made to the Indian Legislature and the Indian public outside, from time to time, then, Sir, it will be a volume of history by itself. The origin of the discussion on this subject was on the 26th September, 1921, when a Resolution on this very subject was moved in the other House by the Honourable Sir Phiroze Sethna and the Government, on that occasion, just as in the present discussion, desired to remain neutral and desired to know the views of the representatives of the people of this country on the subject. Sir, the Members of the other House made it clear to the Government that considering the status and position of hellots assigned to the Indians living in different parts of Africa under the Colonial Administration, they would never agree to the transfer of Aden which is mostly populated by Indians and would not like it to be transferred to the Colonial Office. In the course of that debate, on that occasion, Government stated that they had not yet pronounced in favour of this transfer, and, until they do, no Honourable Member had any right to assume that the Government of India were in favour of that proposition. Their position was as announced by the Honourable the Foreign Secretary one of benevolent

neutrality. Sir, that benevolent neutrality brought in the bolt from the blue in the shape of the announcement in this House on the 3rd March, 1927, by His Excellency the Commander-in-Chief that the military and political administration of Aden had been definitely transferred to the Home Government. The amendment adopted by the other House, only the other day, demands the retention of only the civil administration of Aden under the Government of India. On the present occasion also, the Government of India have adopted the attitude of the same benevolent neutrality of 1921 and, as a result of such a neutrality, I will not be surprised, if a few months later, the civil administration is also transferred to the Home Government at our back just as the political and military administration was transferred surreptitiously. It is no wonder, Sir, that the people of this country have lost all faith in the *bona fides* of the present bureaucracy as well as of the British Parliament. This question of the transfer of the control of Aden is only one link in the chain of multifarious false hopes and promises made to the people of this country never to be redeemed by actions. Sir, I am not one of those to believe only in the retention of the civil administrative control of Aden under the British Indian administration. The amendment, which was accepted by the other House, if adopted by this House, as well, will give the world outside the impression that Indian opinion will be fully satisfied if only the civil administration is kept under the Government of India.

Sir, I do not believe in half measures. My objection to this transfer of military and political control in 1927 without our consent is more serious than that of the proposed transfer of civil administration. Aden is one of the most important strategic points in the sea route between India and the West. I hope I will not be taken as a wild visionary, if I say that I believe, and believe it sincerely, that a day will come when India will have the dominion status like the other dominions and the future Government will certainly have the control of their own navies, mercantile marine and the Army. Consequently, the future administrators of the Indian Government must desire to have the controlling power over such strategic points like Aden. Sir, this transfer of control of Aden, to my mind, is another link in the chain of manoeuvres of the British Government to have British control over all strategic ports between Singapore and Gibraltar. I am not going to narrate here how the British Government got the control of Soudan and Egypt and also gradually obtained a partial control of the Suez. This transfer of control of military and political administration of Aden to the Home Government without our consent shows clearly the lurking suspicions in the minds of the British politicians that India may at any time get dominion status or even independence and, with that suspicion in their minds, they have taken away the control of military and political administration in the teeth of Indian opposition. Sir, I do not for a moment see any other reason than the one just now stated by me for the British Government and bureaucracy to adopt the hush hush methods when the military and political control of Aden was transferred in 1927. Since the transfer of military administration in 1927, another rumour was afloat for the transfer of civil control in 1929, when Government reiterated their promise stating that all idea of such transfer had long since been abandoned. Again, in 1931, when the Aden administration was transferred to the Government of India, an apprehension was raised in the minds of the Indian public, that it was the thin end of the wedge for its



[Mr. Bhuput Sing.]

subsequent transfer to the Home Government. Immediately a deputation of those, vitally interested in the Aden trade, waited on His Excellency the Viceroy and Governor General, and it was definitely stated on that occasion that the proposals for the transfer of the control of Aden from Bombay Government to the Government of India were complete in themselves and were made on their own merits. Furthermore, the Foreign Secretary stated on that occasion that the changed administrative control of Aden from the Government of Bombay to the Government of India was not a step towards any other change. In the course of the discussion with the said deputation, His Excellency the Viceroy, Lord Willingdon, intervened and emphatically endorsed the Foreign Secretary's statements in connection with the apprehended transfer of control of Aden to the Colonial Office and, in order to allay the misgivings of the deputationists, he stated further that no such suggestion had been considered and gave a definite undertaking that, should this question be re-opened in future, all interests and parties would be consulted. In spite of such an assurance, just after the lapse of about two years, the White Paper saw the light of day with a small cryptic reference made therein regarding the question, in which it was stated that the question of the future administrative arrangements for Aden were under consideration. Immediately a few British Indian delegates to the Joint Select Committee, who were then present in London, waited on a deputation to the Secretary of State on the question of the future of Aden, and they were told that Aden, being neither a province nor an Indian State, the question of its being included in the future Indian Federation was a very difficult one, but however, he did not think that the difficulty was of such a nature, as not to admit of a satisfactory solution. After all these false promises, the Government of India had the courage to issue the Press Communiqué in June last. Sir, the Press Communiqué starts with the fact that Aden is already to some extent under Imperial control. But may I ask the Government of India, whether they were or were not a consenting party to the transfer of military and political control? Then, I would further ask them, how far they committed India to that portion of the control already transferred to the Home Government and whether they obtained the views of the Indian public and of the Legislature to the partial transfer of control already made and which has been mentioned in the Communiqué. If they have not committed themselves to such transfer, this House, to my mind, should unanimously repudiate the whole action of the Government of India in this matter.

In coming to the next argument of geographical remoteness of Aden from India, may I ask the Government whether such geographical remoteness of Gibraltar from England stands in the way of its control by the Home Government? Sir, if, owing to remoteness of Aden from India, it is to be transferred to the Home Government, then I would say that Aden should be transferred to the Arabs, and Gibraltar to the Spaniards. I thought, Sir, that there was bankruptcy in British statesmanship, but it is a new experience to me that there is bankruptcy of common sense amongst the members of the British Cabinet, but for which, they, who are governing Singapore, Malta and Gibraltar from their headquarters in Great Britain which is geographically so distant and remote

from those places, would not have raised objections to India's administering Aden, owing to geographical remoteness.

Before I conclude, I think I should put it in a nutshell that Great Britain is very keen and bent upon getting the control of Aden to make it another naval base in the west of India as they have made Singapore a naval base in the east of India so that India may always be kept between these two fires. Considering all these factors I hope that the House will agree with me when I say that arrangements should be made for the re-transfer of the military and political control to the British Indian administration with whom the civil administration is existing at present. With these words, I move my amendment and commend it to the House for its acceptance.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That for the original motion the following be substituted :

‘ In view of the fact that the Military and Political Control of Aden have been transferred to the Home Government without obtaining the consent of the Indian Legislatures inspite of the promise by the Government of India in 1921 to the contrary and in view of the fact that Aden formed an integral part of the British Indian Administration for about a century this Assembly requests the Governor General in Council to convey to His Majesty's Government the emphatic protest of this House about the transfer of the said control and the desire of the people of India that the proposed transfer of further control should not be effected and that the Military and Political control should be retransferred to the Government of India ’.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Dr. Ziauddin Ahmad, wish to move his amendment ?

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Yes, Sir. I beg to move :

“ That for the original motion the following be substituted :

‘ While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place ’.”

Sir, at the outset I should like to make clear the distinction between Aden Administration and Aden Protectorate. Now, the Aden Settlement consists of a very small tract of land, about nine miles long and two miles wide, and it is practically an island just like Bombay, because at one place it is only about a furlong wide and the sea water goes over it. Now, as regards the Protectorate of Aden, we have nothing to say ; that is a question for the Imperial Government to settle and India is not directly connected in the Aden Protectorate. But we are directly concerned with what is called the Aden Settlement. It should not be confused with the Aden Settlement. This Aden was occupied by Major Bayley in 1839 with the help of Indian forces taken from Bombay. The population of Aden at that time was only 3,000. The Honourable the Leader of the House has given the latest figures of the population. I have got also the round figures. On account of the development of the port, the population of Aden increased from 3,000 in 1839 to about 56,000, out of which about 30,000 are Arabs, 10,000 are Indians, 4,000 are Jews, 5,000 are Europeans and 7,000 are Somalis. Now, Aden has got a very peculiar position about the port. It is well protected and surrounded on all sides

[Dr. Ziauddin Ahmad.]

by rocks and hills and we have to go through a narrow strip in order to reach the port of Aden. This port of Aden was developed almost entirely by Indian capital. The Indians spent something like five crores of rupees in order to build wharves, godowns and warehouses and a large number of buildings. At the same time, the Indian Government spent large sums of money in developing the fortress and barracks and for carrying on the civil and military administration. I have got no accurate knowledge of the amount which the Indian Government spent on this account, but Mr. Cook, in a speech, in the year 1921, said that the expenditure was in the neighbourhood of 50 lakhs a year. Taking the statement of Mr. Cook, in 1921, I can safely conclude that the expenditure of the Government of India must have been between 30 and 40 crores of rupees ; and, considering the expenditure both by the Indian people and the Indian Government, I can safely say that the Aden Settlement was developed by incurring an expenditure of between 35 and 40 crores of rupees by the people and the Government of India. Now, whenever any question of a transfer comes in, the question of 40 crores should not be overlooked. We should get the amount back with compound interest. The vast expenditure both by the people and by the Government, and the hard work of Indian Merchants developed favourable situation and the safety attracted a large number of foreign people, the Arabs, Jews, Somalis, and Europeans. They came to Aden to enjoy a prosperous life which the Indian money and Indian brain created for them.

[At this stage, Mr. President (The Honourable Sir Shannukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Now, this increase of population from neighbouring countries naturally developed their trade relations with the countries from which these people came, and the Indians of Aden were the first to open trade relations between Aden and Africa and Aden and Arabia, and they built up their country crafts and their country steamers in order to carry on their trade. They went further ; they also built up an Indian steam navigation company which is now carrying goods from Aden to the neighbouring places in Arabia and in Africa.

Sir, the civil administration has always been under the Government of Bombay till the year 1931 and the taxes were collected on behalf of the Bombay Government. The administration was carried on on the same lines as the administration in the Bombay Presidency. They opened schools, they built hospitals and they had the same system of administration as is carried on in the Bombay Presidency. Changes occurred during the war and, as a war measure, the War Office occupied and took possession of the whole administration of Aden. But that was only a war administration and it was handed back to us as soon as the war was over in the year 1919. Sir, we, Indians, had no personal quarrel with Germany or other enemy countries. We really fought, because of the British Government as we formed part of the British Empire. After the war was over, the various countries, who had taken part in the war, were given rewards. Lands taken out from Germany were given to East Africa, West Africa and to South Africa and so on, but may I ask what India obtained for large sums of money she spent in the war, and also for the loss of lives ? We always urged on the floor of the House that in return for the services which India

rendered to the British Government we should have been given some share in the war indemnities of the allies in the shape of a Colony in Africa, but instead of that, something is taken away from us ; we are supposed to be good and loyal subjects of the British Empire and we are made to believe that we can always count on their help ; but when the question of distribution of reward comes in, we are passed over. We naturally expected that India would be given some territory for her war services, but, instead of that we are threatened to lose what we ourselves built by our own money. Our services, our sacrifices in men and money are all forgotten, and without any reference to Legislature the military control was transferred from the Indian Government to the Home Government. This is a question, Sir, on which we have strong views, and we strongly protest such a course of action and I agree with my friend, Mr. Bhuput Sing, in his strong protest. We had not forgotten the high handed policy of the Home Government in transferring military control, they raised the question of the transfer of civil administration of the Aden Settlement. One can argue that the protectorate does not form part of the Indian Government, and the army is required for the broader purpose of the protectorate, and not for maintaining order and peace in the Settlement. But, at the same time, I do maintain that even if the proposed transfer was to be made, it ought to have been made with the consent of the Indian Government and Indian Legislature and this House should have been given an opportunity to discuss the whole question, before the transfer of the military control from Indian Government to Home Government. I consider such transfer as breach of contract. The story did not end here. In 1927, Honourable Members will probably remember that Sir Denys Bray, replying to a question in this House, said : " I hasten to add that all idea of such a transfer (transfer of Aden Settlement) has long been abandoned ". The Commander-in-Chief also, in the year 1927, on the occasion of the Budget debate in the Council of State, said :

" As Honourable Members are aware, the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interest should not go outside the pale of the Government of India. It will accordingly be retained as part of the Settlement and the Municipality of Aden will remain under the Government of India."

Now, Sir, these assurances were given to us by responsible Members of the Government of India, and we thought that the Government would honour those assurances. If the Home Government really wish that the administration in India should be stable and the people should trust the Government, then it is the duty of the Government at Home to abide by the assurances given by responsible Members of the Government of India, but, if the Home Government are not going to honour the utterances of responsible officers here, the administration will be placed in a very difficult position indeed....

**The Honourable Sir Joseph Bhore :** I do not want to interrupt my Honourable friend, but I did, in my opening remarks, explain what the real meaning was of the Foreign Secretary's remarks made on the occasion to which my friend refers.

**Dr. Ziauddin Ahmad :** My friend really is a politician, and all politicians use words which they can interpret in their own way ; but unfortunately the people of India will naturally interpret the simple English in its true meaning : my friend cannot change the feelings of the people by the quibble of words. In 1931, when this transfer was made

[Dr. Ziauddin Ahmad.]

from the Bombay Government to the Government of India, we scented that there was going to be further trouble in store, and immediately a deputation, led by Mr. Mehta, waited on His Excellency the Viceroy, and the Political Secretary gave us to understand that it was only being transferred for the sake of convenience. We then thought that probably it was the first step to the second transfer from the Government of India to the Colonial Office. But, at that time, we were given an assurance that nothing would be done to prejudice the interests of this country, and we naturally trusted the Government. What hidden interpretation can my Honourable friend put on it ?

Sir, the question of Aden is somewhat different from the question of Burma. In regard to Burma, I can quite understand that the whole decision should be left to the people of Burma. If they want separation, let them have it ; but if they don't want to separate themselves from us, we will always welcome them and we are ready to help them ; but, in the case of Aden, it is a different proposition. The people of Aden do not want a transfer. Those Indians who have got their investments in Aden do not want a transfer, Arabs don't want a transfer, the Jews don't want a transfer. No one wants a transfer. The Home Government desired to confiscate it simply because we are weak. The Honourable the Leader of the House quoted the resolution passed by few Arabs who really belong to the protectorate and he did not mention the resolution passed by 500 Arabs residing in the Settlement. Sir, in reply to a deputation led by His Highness the Aga Khan, to which reference was made by my friend, Mr. Bhuput Sing, the Secretary of State gave a clear reply that the difficulties were not " insurmountable " ; no political problem is insoluble, if we put our heads together. The Members of the Round Table Conference and of the Joint Select Committee, who are now working in London, will not find difficulty to find a solution, and I hope they will do so. It may be said that it is very difficult to secure their representation in the Federation. I do not know when the Federation is coming. It may not come in the lifetime of any of us who are now present in the Assembly, and it is somewhat premature to discuss this question. But even if the Federation comes into existence immediately, the position of the Aden Settlement will be similar to other important places like Secunderabad, Bangalore and other towns which have only Municipalities under the control of the Government of India and which will always remain under the Government of India, and, therefore, I see no difficulty in keeping the Aden Settlement also under the Government of India, like those small places which I have just mentioned and which will continue to remain under the Government of India.

Now, Sir, coming to the financial side, at present Aden is a paying concern to the Government of India. Aden was a source of great expenditure for a very long time, but now it is the other way round. The income from Aden is about 18½ lakhs and the expenditure is about 10½ lakhs, and so, really speaking, Aden is not a burden to the Indian Budget. As regards the military expenditure, if we take the military expenses, from a broader point of view and not only from the point of view of India, only for the purposes of protecting the routes, I should say, the expenses ought not to be borne by India alone, but also by all those countries who are benefited by the position of Aden. Sir, we are now suffering from a great deal of

unemployment, and any measure, making the problem of unemployment more acute, will always be a source of trouble to India and will always be resented by us. If the administration of Aden is transferred, then all those people who are now employed there, and all those people who carry on trade there and also their relations here as well as in Aden will be hard hit. Their number should not merely be calculated from the number that actually reside and carry on trade in Aden, but it must include a large number who now reside in the Bombay Presidency and other places in India, and so, if this transfer takes place, a very large number of people will suffer. Therefore, I would sincerely request the Honourable the Leader of the House to convey to His Majesty's Government that the proposed transfer will produce very great resentment throughout India and that the people of this country would regard it as a breach of faith. We expected substantial reward for the services which this country rendered during the great war, but, instead of that, we are having a punishment. First the military control was taken away, then the civil administration is going to be taken away. This will certainly produce great disappointment throughout the length and breadth of this country. Sir, with these few words, I move my amendment.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** Amendment moved :

“That for the original motion the following be substituted :

‘While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian Administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place.’”

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** Does Mr. Ranga Iyer want to move his amendment ?

**Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) :** No, Sir, I don't want to move it.

**Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) :** I also don't want to move my amendment.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** I was fortunate enough to be present at a dinner which the non-official Members of the Central Legislature gave to the Secretary of State in London. My Honourable friend, the Finance Member, also was present there. The Secretary of State tried to talk to us heart to heart and told us that he would like to see the atmosphere of misunderstanding to be removed so that Britishers and we Indians can approach the constitutional problems in a spirit of fairness and goodwill. Since then, and also for a few months before that, I have been trying to approach the constitutional problems that face us with all the goodwill as if the Government of India were our own Government in spite of their being a subordinate branch of the British Government. I have been trying to see if, by my action, by my criticism and by the influence we wield in the country we could remove that atmosphere of misunderstanding. But when I approach the problem of Aden and see the way in which it is surreptitiously brought before this House, I question myself whether those who are controlling the destinies of the British Government are also trying to remove the points of misunderstanding that are always occurring in

[Mr. B. Das.]

the discussion of problems between India and England. The previous speakers have made it clear that India is not getting her constitutional rights about Aden. Sir, facing the problem of Aden, I have to ask the question, not of the Government of India, because I am grateful to them for being neutral in this matter whether in the debates in the other House or today on the floor of this House, but of the British Government. If I can interpret, I feel that it is always an atmosphere of mistrust of the Britishers against the Indians. The ill treatment of Indians by the Colonial Governments has already been referred to. That is one reason why we do not want Aden, where so many thousands of British Indians live, to be transferred to the Colonial Secretary of His Majesty's Government.

I miss here my Honourable friend, Mr. Bajpai, and the Honourable Sir Fazl-i-Husain who always speak for the administration of Indians overseas in the British colonies. Sometimes I find Mr. Bajpai's heart flows with the milk of human kindness when he describes the distressing circumstances of those refugees from South Africa who are living in great difficulty at Budge Budge in Calcutta and also says that their condition is not so bad as described by questioners like Mr. Gaya Prasad Singh or Mr. Maswood Ahmad. Sir, we know what happened to the Indians who went to Natal, who went to South Africa, how these barren lands were tilled and made arable by the Indian settlers, and how today they have been hounded out from South Africa. The same is the condition in Kenya, in Tanganyika. In Kenya, Indians have lost their wheat trade. In Tanganyika, they have got their cotton trade, but Indians are treated there as pariahs; they have not got the same status as the post-war British settlers who are demanding today advantages and privileges that are denied to the British Indians. So, if we feel distrust at the proposal of the transfer of the civil administration of Aden to the British Government, we have precedents. The precedents are written in the blood and suffering of millions of Indians that are suffering today in the colonies of South Africa, Tanganyika, Kenya and East African territories. That is one aspect.

I want to examine a little in detail where lies the confidence of the

4 P.M.

British Government and the Britishers in the Indians. Do they trust us? I say they do not. They want us to trust their words, but they do not trust us. If Aden had been administered for nearly 70 years by the Bombay Government and the Government of India, what has happened today to transfer or to propose the transfer of the civil administration of that territory to the Colonial Government? At this stage, I wish to make it clear that I am supporting the motion which has been moved by my Honourable friend, Mr. Bhuput Sing. It is a most comprehensive one and reflects the real feeling of the Indians who are sitting on this side of the House and who represent the teeming millions that are outside this House. If, during the War, the military administration of Aden was transferred to the British Government, there was no necessity for the transfer of that administration perpetually. It has been done, and the Government of India, as I observed a few moments ago, is a subordinate branch of the British Government and had to agree. When they trot out the saving of a few lakhs of rupees, one laughs at such an argument. It is often said

that Aden is the Gibraltar of the British Dominion of Australia, the Malaya Peninsula and other British territories in the far East. The Britishers today do not want to trust Indians with the control of the military and civil administration of Aden. England has got us under her thumb. England can do anything. Can she, in the name of justice, say that Aden must be transferred from India to England? Although we are original members of the League of Nations, those who represent us there have not the courage to take up this question before the League of Nations. I ask Britain to take this case to the League of Nations. Let there be a committee appointed by the League of Nations and let it give its verdict. If the verdict is that Aden, which is the Gibraltar of Asia, should be in the hands of Britain, I would be the first to agree to it, but will my Honourable friend, the Leader of the House, say that the Government of India would insist on his Majesty's Government that the whole question should be referred to the League of Nations? He dare not. They are the subordinates of the mighty British Government.

My Honourable friend, the Leader of the House, talked of the representation received from the Arabs. Do they belong to the Aden town or do they belong to the protectorate? Today we have no control over the British policy in Afghanistan. If the British Government want to have an Arab protectorate, let it be administered from Indian Aden. We are ready to provide a site for the British plenipotentiary or the Ambassador who will control these Arab protectorates, but it is no use trotting out that these Arabs do not want to remain under the Government of India, but would prefer to go to the Colonial Government. They have sufficient knowledge of the maladministration of the Colonial Office. What happened? 30 Arabs met at a meeting. None of them were residents of Aden. They suggested that Aden should be transferred to the British Government. Afterwards, 500 Arabs, residents of the town of Aden, met and protested against this managed meeting of 30 Arabs and they demanded that the present administration of India should continue for ever. No argument is necessary even to convince a child.

Now, Sir, I will take up the six points that have been mentioned in this Government communiqué about Aden. I would only say that they are not worth the ink with which it has been printed. I know, the Honourable Members of the Treasury Benches will not take part in the debate, but can they say that any of the pledges given to India by either Britain or the Dominion Governments or the Colonial Administrations have been fulfilled? The Secretary of State for India has assured the deputation that waited on him at London that the cases of the Aden people would come to the Bombay High Court. Why should it come to the Bombay High Court? Why should a Colonial Secretary of His Majesty's Government correspond with a subordinate Government like the Government of India and the Government of Bombay which is still much more subordinate? Why should they do it?

Now, I will take up point No. 1. I have already referred to it and I do not want to discuss it again. As regards point 2, no Suzerain Government has ever tied itself down to any pledges to a subordinate Government. As regards point 3, it is said: His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take



[Mr. B. Das.]

place. That is no solace to us. Aden might be a free port, but once the control passes out of our hands, similar pretexts will be brought out as happened in the case of East Africa or South Africa and Aden will be closed to the trade of India. Incidentally, I am reminded of a little stir created by the Anglo-Indian Press. As far as I can remember, it was the *Statesman* which published an editorial inciting the feelings of the Bengalis who have got a little feeling towards Aden, because their taste is for Cheshire salt. I do not wish to refer to that sort of managed agitation carried on particularly by the *Statesman*. It has been ably replied to by a prominent business magnate, my esteemed friend, Mr. Husseinbhoj Laljee of Bombay, and, I am sure, the Government have read it. I hope they will send a copy of it to the Secretary of State for his perusal. Then, point 4 says that His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became, in their opinion, absolutely necessary. Every sentence begins with a rider and a qualifying clause. Suppose there is a war and the King of the Hedjaz invades Aden, then there will be further taxation. This kind of pledge cannot satisfy us. We all know the policy of His Majesty's Government in other Colonies, how Indians were asked to pay the poll tax even, which happens to be a most inhuman tax. We are asked to trust to the mere verbiage. My friend, the Honourable the Foreign Secretary, is present here, and may I ask him what were the traditions of the Foreign Offices before the war? Hush hush policy, intrigues, secrecy, these were the things with which they started the Great War. I do not blame the Foreign Office of His Majesty's Government alone. I blame the Foreign Offices of every Sovereign Government. I do not think my Honourable friend, the Foreign Secretary, is carrying on those intrigues, but that has been the tradition of other Foreign Offices. Their policy had been to set one nation against the other. I expect that, in the near future, we will also have our Foreign Office and if we will have our control over it, we will start with a clean slate. Our policy will be the policy of truth and righteousness and not of intrigues.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Utopia.

**Mr. B. Das** : My Honourable friend, Mr. Jadhav, might have had an inkling of the Political Department of the Bombay Government while he was a Minister in that Government.

**An Honourable Member** : He was not allowed to see anything.

**Mr. B. Das** : It may be thought to be an Utopia by some of my friends here. But the Great War, with its massacre of millions of people, cost the world billions of money, the gold for which my Honourable friend, the Finance Member, is so very anxious to retain in his Reserve Bank. The Great War taught us one lesson. Abolish these intrigues and do away with these Foreign Offices and their satellites and the world will live more peacefully and more amicably. So, Sir, this point 4 is an expression which not only my Honourable friend, the Foreign Secretary, but even the lowest paid clerk in his office can set aside as valueless.

Now, let me examine point No. 5—the proportion of Indians would be retained in the Aden Service for some years. Sir, once the transfer

takes place, not only those Indians, who are in service, but even those who have settled down there would be turned out from there bag and baggage. Even martial law may be declared there on the pretext that the Indians are agitating there and are a seditious people.

Then I come to point No. 6—no racial legislation or segregation would be permitted by His Majesty's Government. Sir, if I understand the English language, the word "would" does not indicate that there is any guarantee that no racial legislation would be permitted by His Majesty's Government. Has it not been permitted in South Africa, in Kenya, in Tanganyika and other places? Can we even read with a grain of confidence this point No. 6, which His Majesty's Government have advanced and which my Honourable friend, the Leader of the House, wants us to swallow and to believe in the pledges of His Majesty's Government. As my Honourable friend, Mr. Bhuput Singh, said a few minutes ago, Britain has broken so many pledges that India cannot believe in any of these pledges. Sir, these are no pledges, they are mere pious expressions put in the sophistic language of the Foreign Department or the Colonial Department.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sir, I must now refer as to why Britain has changed its policy. Gentlemen administering the Foreign Office of the Government of India started the Russian bogey and the Afghan bogey. Russia has now settled down to its 10 years plan of economic and industrial development and so the British Foreign Office cannot bring out any stunt about the Russian bogey. So, now we are having the bogey of Japan and America. How would they come? They will come through the Pacific Ocean. Therefore, there will be a Singapore base and an Aden base. Hence, Aden must be transferred to the control of British Government. And what is happening here? My Honourable friend, the Foreign Secretary, cannot even have an Indian to read the cypher messages lest the subject nation may come to know too much of the secrets of the Government of India and of the British Government and create revolt or war in India.

Sir, I began my speech by saying that I was ready to trust if I saw the signs of trust, but unfortunately I see the signs of mistrust all over as time passes. I trust, Sir, that if the British Government at all want to take away Aden from India, they will agree with the proposal of the people of India and of the Government of India to refer the matter to the arbitration of the League of Nations. One point more and I have finished. What about the crores and crores of rupees which have been sunk on the development of Aden and its port and harbour? Is Great Britain willing to pass over a cheque of these crores of rupees to my Honourable friend, the Finance Member? As a business man I would like to know if all these moneys would be forthcoming to us from Great Britain and I may examine as a business proposition if a huge sum comes towards the reserve of the Reserves Bank which my Honourable friend, the Finance Member, is creating. Sir, I am afraid it is going to be the policy of the lion and the lamb. If the lion wants to take away Aden, we cannot do anything, helpless as we are. But justice demands that Britain should not transfer Aden. If Britain wants to be honest, she

[Mr. B. Das.]

should transfer immediately the military administration of Aden to India.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I support the amendment of my Honourable friend, Dr. Ziauddin Ahmad, and oppose the amendment of my Honourable friend, Mr. Bhuput Sing.

At the outset I must express my surprise at the attitude which the Government Members propose to take up in connection with the present motion. Sir, very telling arguments, based on facts and reasoning, were addressed on the present matter in the other place by Sir Phiroze Sethna and those arguments do require an answer from the Government Benches. That answer not having come, we are left to our own conjectures as regards the case which the Government Benches have on the present matter. The Government of India are the guardians and protectors of the interests of India, and in a matter like the present, which is vitally concerned with the interests of India, we should have expected that the Government would have given us advice and guidance, but they propose to be silent. I can understand their position if there was some written or unwritten rule of constitutional practice which debars them from giving expression to their honest opinions on the floor of the House. I am quite sure that no such rule exists, because had it existed, it would have applied equally to the Provincial Governments, but what do we find ? On the last occasion, when the question of the transfer of Aden was before the Bombay Council, Sir Ernest Hotson expressed himself in unmistakable terms as to the real wishes and desires of the Bombay Government. In the other House, in 1922, the Honourable Mr. Pratt, who represented the Bombay Government there, expressed in unmistakable terms his opposition to the proposal of separation of Aden from India. I say, why should the Government of India not come forward and express their opinion on the floor of the House on the present occasion and give us advice and guidance. If the Government of India are silent, because they believe that the argument on which His Majesty's Government base their proposal for the separation of Aden from India has neither reason nor justice behind it, then, I say, my Party and myself wholeheartedly agree with that opinion and belief and we earnestly and respectfully invite the Government Benches to express themselves clearly on the floor of the House today. The arguments, in support of the proposal for transfer of Aden from India, are fourfold. The arguments are based on constitutional grounds, on geographical grounds, on grounds of economy and, fourthly, there is the argument of the *fait accompli*. As regards the geographical arguments, it is based on the difficulty of administering Aden from such a distance as separates Aden from India. Now, in the first place, this presupposes that there has not been up till now good administration of Aden. But what are the real facts ? The communiqué contains the opinion of His Majesty's Government as regards the present standard of administration of Aden. In fact, His Majesty's Government propose to take the present standard of administration as their own standard of administration in the future. Secondly, His Majesty's Government ought to have known that Whitehall is more distant from Aden than India. As regards the argument based on constitutional

grounds, it is said that it is very difficult to fit in Aden in the coming Indian Federation. I can understand this argument if it is a question of fitting in the whole of the Aden protectorate in the Indian Federation, but the question involved on the present occasion is simply that of fitting in of the settlement of Aden in the Indian Federation and I see absolutely no constitutional difficulty about it. It is then said that the transfer of Aden will save India from the burden of about 20 lakhs of rupees. As Sir Phiroze Sethna pointed out in the other House, this is of course an exaggeration. I am sure, the Honourable the Finance Member will be able to correct the facts of His Majesty's Government on the present topic.

**The Honourable Sir George Schuster** (Finance Member) : As my Honourable friend has referred to me in the matter, I should like to take this opportunity of pointing out that the statements made by the Honourable Sir Phiroze Sethna in the Council of State were calculated to give a somewhat misleading impression of the position. The position is this, that the contribution, from which India would be saved, if this transfer took place, amounts at present to something like £120,000 on the past year's estimates. We have not yet got the final accounts for the year. But it might in any year be as much as £150,000 and, in fact, in past years, it was as much as that. That is clear gain to India, a sum amounting to something like £150,000. On the other side, there will be no loss on the scale indicated by the Honourable Sir Phiroze Sethna. At present, the Aden budget almost, one might say exactly, balances. Taking the average from 1927-28 to 1933-34, the average showed a deficit of about two-third lakhs a year. At present, there is a slight favourable balance of a few thousands, but the present position is precarious, because the balance is obtained by maintaining special economies which probably cannot be maintained indefinitely. I think the fairest way of looking at it is that the Aden budget is practically evenly balanced. I think if we take it in that way, there is no gain or no loss one way or the other on account of the ordinary administrative expenditure and that the military contribution will be a clear gain. This is the most accurate way in which to regard the effects of this proposal for transfer of Aden.

**Dr. Ziauddin Ahmad** : There seems to be some confusion. Out of the budget of £120,000 for civil administration, a portion is for military expenditure. It was stated on one occasion that no military was required for the civil administration, but it was really required for preserving the trade routes. My submission is that the military is required for the benefit of all the countries affected on the trade route and, therefore, the whole amount should not fall on India. Had the military been required for the Aden Settlement, then it would have been a legitimate charge on Indian finance, but if it is required for the Aden protectorate or for the defence of the trade routes, then it is not correct that India should pay the entire expenditure.

**The Honourable Sir George Schuster** : My Honourable friend is under a misapprehension, if he thinks we are paying the whole of the expenditure. India is paying one-third of the expenditure with a maximum of £150,000 a year.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In view of the importance of the financial consideration, the Honourable the

[Mr. President.]

Finance Member will be well advised to intervene in the debate and make a full statement about the financial implications.

**Mr. N. N. Anklesaria :** Sir, if the statement of the Honourable the Finance Member has convinced the House that I am incorrect in the statement which I made, I will simply say that I stand corrected.

Passing now to the fourth class of arguments, namely, the arguments based on what they call a *fait accompli*, I am a very humble individual, but I cannot help saying that His Majesty's Government have not shown good sense in giving expression to such an argument in support of their proposal. Sir, the argument of *j'y suis et j'y reste* is an argument which a strong man, when he has got no reason or justice in support of such an argument, addresses to the weak man. It never carries conviction ; it irritates and it creates discontent and it also creates, if the discontent is prolonged, disaffection. Sir, when I say all this I am not oblivious of the fact that every Indian is interested in the upholding and the maintenance of that glorious phenomenon which we call the British Empire,—as much interested as any other member of the British Empire. And I further say that there is none in this House so very unpatriotic and so very lacking in the pride of his British citizenship as not to whole-heartedly vote in support of a proposal like the present, if it could be proved that such support was necessary for the maintenance of the British Empire. I have looked through the arguments in the communiqué and I fail to find any argument which would show that if the support, such as I mention, were withheld, the British Empire would dissolve into nothingness. Sir, on the other hand there are arguments which ought to carry great conviction to His Majesty's Government and induce them to refrain from further prosecuting the present project. The prospect of separation has created a good deal of discontent in this country, discontent which no good Government could possibly ignore. I will not indulge in exaggerated language and talk of "the rape of Aden", or of "the open day loot" or of "the scandalous act of expropriation", but this much I may say that it is hard on the British Indians, who have by investment of capital and energy in the development of Aden acquired vested interest in it of which they cannot easily and advantageously divest themselves if they choose to leave Aden. I must also say that it is not fair to British India, after it has spent enormous sums of money amounting to crores of rupees in the development of Aden and when that sacrifice and that investment are on the eve of bearing fruit, to take away Aden from India.

Thirdly, Sir, there is the question of the pledges given by responsible British Indian statesmen. My Honourable friend, the Leader of the House, tried to explain away the pledge given by Sir Denys Bray. If his explanation has carried conviction to the House, I have nothing further to say. Sir, I also share the fears of Indians who have made Aden their home about their position under the jurisdiction of the Colonial Office. Those fears are by no means imaginary as would be shown by the plight of Indians in the different British possessions under the jurisdiction of the Colonial Office. The present condition of the neighbouring places like Berbera, Bulhar and Zaila furnish significant instances of what Aden may have in store for her if she is transferred completely to the Colonial Office. No doubt, Sir, the communiqué of His Majesty's Government does give assurances against racial discrimination, but I am afraid the assurances

cannot reassure Indian opinion. On the plea of once bitten twice shy, we Indians would simply decline to believe in the ability of His Majesty's Government to carry out those assurances, however much we may believe in the sincerity and *bona fides* of the present advisers of His Majesty's Government who have given those assurances. How many times similar assurances for safeguarding the interests of Indians as against the unreasonable demands of the white settlers have been honoured in the breach rather than in the observance by His Majesty's Government! If the Government Members wish, I am prepared to give them a list of instances in point.

In conclusion, Sir, I would appeal to His Majesty's Government not to press the matter any further at the present time lest, small as it may appear to be, it may act as the proverbial cloud which may darken the momentous issues which are now before the two countries. I would also appeal to the Honourable Members of the Government of India to come forward and express on the floor of this House their complete agreement with the non-official Members in the present connection. By so doing they would, in my opinion, command more regard and more confidence from this side of the House than they would be doing by remaining silent; and also, in the words of my friend, Mr. Ranga Iyer, "that way lies statesmanship".

**Mr. B. R. Puri** (West Punjab : Non-Muhammadian) : Sir, on behalf of my Party, I entirely endorse the amendment proposed by my Honourable friend, Mr. Bhuput Sing. I, however, do not wish to inflict any lengthy speech, because most of the matter is already within the cognisance of the House. The matter was thrashed out in the Council of State, and most of the arguments addressed on the floor of this House have been more or less a repetition of what has already been said elsewhere. Therefore, I do not wish to follow that course. It seems to me, Sir, that a very light view should be taken of the matter.

This question of Aden reminds me of a well known saying of Lord Charles Beresford who received on one occasion an invitation to stay in a country house, and he sent the following telegram in reply : "Sorry, cannot come, lie follows by post". The fact of the matter was that he could not possibly go, and in the telegram he stated candidly also promising to send the usual false excuse by post. Sir, it seems to me that Aden is already *taken away*, and the present ceremony corresponds to the *lie* which we have received by post. This is an empty form through which we are going. As a matter of fact, if the British Government, in spite of their assurances and undertakings, solemn as they were, are guilty of having committed acts of breach of faith, how can we now expect that, in compliance with our wishes, they are going to reconsider the whole programme regarding Aden which they must have already chalked out? Therefore, it seems to me that it is a barren ceremony that we are going through. The British people have already made up their minds to take away Aden, and they are not going to reopen the question just because of the opinions expressed by my friend, Mr. Bhuput Sing, or Mr. Puri or anybody.

But, Sir, I am inclined to take, as I promised, a lighter view of the whole thing, and that reminds me of the story of a servant of a Commander of a ship who, while the Commander was sitting in his office, rushed up to him and said : "Sir, would you call a thing to have been

[Mr. B. R. Puri.]

lost if you know where it is ? ” Kindly mark the words “ Sir, would you call a thing to have been lost if you knew where that thing was ? ” So the Commander turned round and said : “ Certainly not ”. “ Well, Sir, if that is so, then your tea kettle is at the bottom of the sea.” He had already dropped it, and having done so, resorted to this philosophic method. Why should we consider that Aden is lost ? We know where it has gone to ; we know where to find it. We may not have the power to recover it back, but why cry and weep over it ? They have got the power to take it, and they have taken it. I heard, Sir, a whisper in some quarters that we practically created this Settlement ; as a matter of fact, we have fed it, we have nursed it and brought it to its present prosperous state. Therefore, it is urged in certain quarters that even if the thing is taken away from us, we are entitled to some sort of compensation. I will advise my friends on this side of the House not to say a word about it. Bargaining with a powerful opponent is always a losing game. Even if there is any offer made, please be careful. That offer would be more or less like the offer of a stingy aunt who asked her little nephew :

Auntie : “ Well, John, will you let me kiss you if I give you a penny ? ”

John : “ What only a penny ? Why, I get more than that for taking castor oil.”

Therefore, be careful. If any kiss of that kind even on a payment is offered, you will ultimately find that it is not so very delicious. The best thing is to take a philosophic view of the whole matter and to submit to the will of the powerful and the mighty. But if you ask our honest opinion, I say you have no right to take Aden away, you have no right to touch it. By the usual nibbling process and by instalments you have done us out of it and now when you say : “ Please discuss the matter and send us your final opinion ”, don’t we know what you are going to do ? Thanks, we understand the game. We don’t want half measure ; either take the whole or give the whole.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : Sir, the great war has brought about numerous changes in every country, and it is well known that Aden was primarily taken under British possession for strategic purposes. After the war, on account of the numerous changes that have taken place all over the world, it has been found necessary now, not only for the sake of India, but for the sake of other countries as well, to separate Aden from India and to transfer it to the control of the Colonial Office. If Aden had been taken merely for the sake of trade and commerce for the Bombay Presidency, then all the objections urged by Honourable Members would have been perfectly justifiable, but it is well known that originally Aden was taken for military and political purposes, and for the safety and protection of India ; but, after the war, things have so much changed that Aden is now required for the same purpose for other countries.....

**Mr. B. V. Jadhav** : Which other countries ?

**Major Nawab Ahmad Nawaz Khan** : I may say South Africa, Egypt, Arabia and the Near East. If you have a little time tomorrow, we can

discuss what those countries are, and what effect the transfer of Aden will have on the Near East ; it will take hours and hours to discuss these questions. I think, Sir, it is really the Imperial interests and prudence of His Majesty's Government which demand separation of Aden from India. ("Hear, hear", from the Nationalist Benches.) People who have got some experience of administration and also of military interests know well, that there is a necessity for the Imperial Government for separating Aden from India. I believe that many Honourable Members know it very well in their heart of hearts, but they want to oppose Government proposals as a matter of practice.

**Dr. Ziauddin Ahmad :** I do not want to interrupt the Honourable Member. Is he speaking on behalf of the Government of India or of the Home Government ?

**Major Nawab Ahmad Nawaz Khan :** I am a Member of the Assembly and I have as much right to express my opinion as you have. I am going to say a little bit further to my Mussalman friends, that we must have sympathy with the interests of Arabs there.

**Dr. Ziauddin Ahmad :** Since the Honourable Member has referred specially to the interest of Arabs, may I mention that the Arabs of Aden do not want separation from India ? I have got a resolution in my pocket which I could not read out because I understand that there was a time limit of 15 minutes.

**Major Nawab Ahmad Nawaz Khan :** I have the same authority from the Arabs who say that Aden ought to be separated from India. I tell you, it is in the Bible and we see also in practical life, that one man cannot serve two masters. The Arabs cannot serve two masters, the British and the Indians. They must serve the British master and they want not to be under the Indians.

(At this stage, Mr. B. Das rose in his seat.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has listened to the expression of opinion on this side of the House very patiently and it must give a patient hearing to the other side.

**Major Nawab Ahmad Nawaz Khan :** If Aden is separated, the Arabs will have a better chance for their trade, commerce and other things. I have a great sympathy for the losses which the people of Bombay and other Indians have to suffer, but you cannot avoid it. We patiently suffer sometimes the losses which occur when there is an earthquake, and, in order to satisfy ourselves, let us consider it as a political earthquake which has separated Aden from India. We cannot keep Aden with India and sacrifice the Imperial interests of the British Empire for the sake of commerce of the people of Bombay or the money which the Government of India spent there. By the separation of Aden, the Government of India or the British Government do not feel any pleasure, nor they do it merely to tease the Indians or to bring some losses on the people of Bombay. They have to consider primarily the Imperial interests and the interests of many other countries which is a far more important matter, and they have to look at the thing from that point of view. Our mistake is that we see our side only and do not see the other side. If we see the other side also, then we shall be in a real position to judge properly. If Aden is separated from India,



[Major Nawab Ahmad Nawaz Khan.]

we will have the advantage of an addition of Rs. 24 lakhs on account of salt duty, in addition to Rs. 20 lakhs stated in the Government communiqué, because at present Aden salt is treated as Indian salt, and if Aden is separated, the Aden salt will be taxed as foreign salt. I admit, by the separation of Aden there would be losses to some people in Bombay, but that loss is inevitable. The Government here or the Home Government cannot avoid these things, and we will have to bear gladly all these losses. I have a better experience than other Honourable Members here, because my province is a province which is called the frontier province. There we have to sacrifice many of these things for the sake of administration, political and military matters. So, I can realise better the position of the Government than people coming from far off provinces where they enjoy a life of peace, pleasure and happiness. I respect the Honourable Members who are hundred times abler than myself, and are more well read, but it is a question of experience. I realise the wants and necessities of the Government more than them, because it is our daily experience there.

**Sardar Sant Singh** (West Punjab : Sikh) : The Government Benches are not cheering you.

**Major Nawab Ahmad Nawaz Khan** : Because you have to cheer me this time and they are waiting. I want to have cheers from you, my friend, and you have cheered me many a time. I, therefore, support the motion moved by my Honourable friend, Sir Joseph Bhole (Laughter), for the complete separation of Aden from India as stated in the Government communiqué.

The Assembly then adjourned till Eleven of the Clock on Monday, the 18th September, 1933.

## LEGISLATIVE ASSEMBLY.

*Monday, 18th September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### ALLEGATIONS AGAINST THE POLICE IN CALCUTTA AND BOMBAY.

997. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Are Government aware that both Pandit Madan Mohan Malaviya and Maulana Ismail Ghuznavi accused the police of excesses, the former in connection with the *lathi* charge during the Congress session at Calcutta and the latter in connection with the *lathi* charge during the embarkation of Haj pilgrims at Bombay in the month of March, 1933 ?

(b) Is it a fact that Government have made their own enquiries with regard to the excesses and arrived at one and the same conclusion in each case ?

(c) If the answer to part (b) be in the affirmative, *viz.*, that the accusations were false, will Government be pleased to explain why no proceedings were taken against Pandit Madan Mohan Malaviya and why Maulana Ismail Ghuznavi is being prosecuted and a warrant has been issued for his arrest ?

(d) Are Government aware that the accusation in the one case relates to a political movement and in the other to a purely religious movement ?

(e) Are Government aware of the belief in the minds of Mussalmans generally that the policy of the Government is to discourage the Haj pilgrimage which is incumbent on those who can afford to undertake it ?

(f) Have representative Mussalmans addressed Government on this subject ? If so, with what result ?

**The Honourable Sir Harry Haig :** (a) to (d). The attitude of Government in regard to the general allegations made by Pandit Madan Mohan Malaviya against the Calcutta Police has already been stated to the House in my reply to Mr. Gaya Prasad Singh's question No. 18, dated the 22nd August, 1933. Maulana Ismail Ghuznavi made a specific allegation against a certain Deputy Commissioner who applied for permission to prosecute him under section 500 of the Indian Penal Code. Permission has been granted by the Government of Bombay in accordance with Rule 24 of the Government Servants' Conduct Rules.

(e) No.

(f) An Honourable Member of this Assembly addressed Government on the subject and his letter was forwarded to the Government of Bombay. Several other Honourable Members have also mentioned the matter to me.

( 1739 )

**Mr. M. Maswood Ahmad :** Were the allegations made by Pandit Malaviya of a specific nature ?

**The Honourable Sir Harry Haig :** They were general charges.

**Mr. M. Maswood Ahmad :** May I know in this connection whether the Bombay Government consulted the Central Government about bringing this case ?

**The Honourable Sir Harry Haig :** No, Sir.

**Mr. M. Maswood Ahmad :** Who will pay the cost of the prosecution in this case, the Local Government or the Deputy Commissioner himself ?

**The Honourable Sir Harry Haig :** I understand that the Local Government will bear the cost.

**Mr. Lalchand Navalrai :** Might I know from the Honourable Member if the intention of the Government was to make a regular inquiry with regard to the allegations by Pandit Malaviya, and is it not a fact that Government said that some official inquiry would be made ?

**The Honourable Sir Harry Haig :** I am not quite sure that I have got the purport of the Honourable Member's question. I answered questions about Pandit Madan Mohan Malaviya at very full length at an earlier stage of this Session.

**Mr. Lalchand Navalrai :** Those were the answers that the Honourable Member gave, but the point is whether Government are going to rely upon the information which they have got or whether a regular inquiry is going to be made, in which the allegations made by Pandit Malaviya should be gone into.

**The Honourable Sir Harry Haig :** I understand that the question relates not primarily to Pandit Madan Mohan Malaviya, but to Mr. Ismail Ghuznavi and the action which the Bombay Government are taking with regard to him.

**Mr. M. Maswood Ahmad :** Was there any official inquiry made in this connection before allowing the Deputy Commissioner to bring this case ?

**The Honourable Sir Harry Haig :** The Government of Bombay no doubt satisfied themselves that there were reasonable grounds for according sanction to this officer to prosecute Maulana Ismail Ghuznavi.

**Mr. M. Maswood Ahmad :** I want to know whether any inquiry was made or not before this sanction was given. I did not ask whether the Government of Bombay were satisfied.

**The Honourable Sir Harry Haig :** At an earlier stage of this Session, we discussed the question of what was meant by an inquiry, and I think we came to the conclusion that there was some doubt and that the word has been used with different meanings.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether the question with regard to these allegations has come to rest where it is or whether any inquiry is going to be made or will be made ?

**The Honourable Sir Harry Haig :** No further action is contemplated by Government with regard to Pandit Madan Mohan Malaviya.

**Mr. Gaya Prasad Singh :** Did Government consult the Standing Haj Committee on pilgrimage in connection with the subject-matter of this question?

**Mr. G. S. Bajpai :** No, Sir.

**Mr. M. Maswood Ahmad :** May I know why Government did not consult the Standing Haj Committee on this matter, when other allegations of Mr. Ismail Ghuznavi were discussed?

**Mr. G. S. Bajpai :** That, Sir, is a personal matter, not a matter for consideration by the Haj Committee.

**Mr. Lalchand Navalrai :** Will the Government of Bombay inquire from this Committee?

**The Honourable Sir Harry Haig :** I do not think there is any necessity for the Government of Bombay to take any further action. A particular officer applied to them for permission to vindicate his character by prosecuting Mr. Ismail Ghuznavi. Sanction was given by the Government of Bombay and, so far as they are concerned, there ends the matter.

**Mr. M. Maswood Ahmad :** Are Government prepared to lay on the table the list of the allegations which have been made by Mr. Ismail Ghuznavi and which have been sent to the Government and the information which they have collected on those allegations?

**The Honourable Sir Harry Haig :** No, Sir. The matter is before the Court and I do not think it would be proper to take such action.

**Mr. M. Maswood Ahmad :** I am not talking about those allegations in regard to the *lathi* charge. A list of allegations has been submitted to Government, and my information is that a certain sort of inquiry was made. Some information has been collected. I want to know whether Government are prepared to lay on the table a list of those allegations or not.

**The Honourable Sir Harry Haig :** I have already answered at some length a question about various allegations made by Mr. Ismail Ghuznavi, and I have nothing to add to what I said on that occasion.

**Shaikh Sadiq Hasan :** When serious allegations are made and there is excitement in the country, is it not due to the Government to make public inquiries?

**The Honourable Sir Harry Haig :** I have answered that question last Session and informed my Honourable friend that the Government of Bombay believed that there was no foundation for those allegations. Since then the matter has advanced to a further stage in that the particular officer against whom specific allegations have been made has been given permission to prosecute Mr. Ismail Ghuznavi and the case is now, I understand, before the Court.

**Shaikh Sadiq Hasan :** May I know why Maulana Ismail Ghuznavi has been prosecuted after such a length of time?

**The Honourable Sir Harry Haig :** I am not sure that the sanction was given after a very long time. I have not the date with me. There might have been some delay in bringing the matter before the Court.

**Dr. Ziauddin Ahmad :** Was the action taken only on the ground that he belongs to a community which is supposed to be loyal and did nothing against the Government ?

**The Honourable Sir Harry Haig :** I think it is a reasonable principle that when Government servants consider themselves maligned, they should have an opportunity of seeking redress before a Court.

**Mr. M. Maswood Ahmad :** I believe that my Honourable friend, Mr. Bajpai, would be in a better position to reply on this point. Is he prepared to lay on the table a list of those allegations ?

**Mr. G. S. Bajpai :** No, Sir ; I am not in a better position to answer these questions than the Honourable the Home Member.

**Mr. M. Maswood Ahmad :** May I know if these allegations are also of a confidential nature ?

**Mr. G. S. Bajpai :** I am not aware of any allegations apart from those which have been referred to by the Honourable the Home Member.

**Dr. Ziauddin Ahmad :** Was it not the legitimate duty of the Department to look after the accuracy of these allegations ? When some other person exposes them, another Department comes forward and asks to explain his action.

**Mr. G. S. Bajpai :** I do not admit the suggestion that any Department has treated Mr. Ghuznavi unfairly. If he goes out of his way to make suggestions which are unfounded, then he must take the consequence.

**Dr. Ziauddin Ahmad :** Is it not for the reason, that the Department, whose legitimate duty it was to take action, took no action and was silent about it ?

**Mr. G. S. Bajpai :** Not at all, Sir.

**Mr. M. Maswood Ahmad :** Does my Honourable friend say that there was nothing confidential in the allegations made ?

**Mr. G. S. Bajpai :** I have already said that my Department is not in possession of any allegations which are not already before the Court.

#### REGISTRATION OF THE CORDITE FACTORY LABOUR UNION, ARAVANKADU.

998. **\*Mr. K. P. Thampan :** (a) Are Government aware that the Cordite Factory Labour Union, Aravankadu, applied for registration in August, 1931, and submitted bye-laws as required by the Registrar of Trade Unions at Madras ?

(b) Is it a fact that the Army Department in their letter No. 4452/M.G. 1 (A.D.-3), dated 20th November, 1931, advised the Union not to press for registration ?

(c) Are Government aware that the Union at its last annual conference passed a resolution regretting that the Government of India had not by that time accorded sanction to the registration of the Union ?

(d) Are Government prepared to issue instructions for the early registration of the Union ? If not, why not ?

**Mr. G. R. F. Tottenham :** (a), (b) and (c). Yes.

(d) No, because the Government of India have no power to issue instructions to Registrars in matters of this kind.

**Mr. K. P. Thampan :** May I know, Sir, why this Union has not been allowed to register itself. Are there any special reasons for it ?

**Mr. G. R. F. Tottenham :** It is not, Sir, that it has not been allowed to register itself. The fact is that, as I said in answer to part (b), the Government of India advised the Union not to get itself registered in 1931. That was in accordance with the policy of Government at the time regarding the recognition by Government of Government Servants Associations.

**Mr. K. P. Thampan :** Do Government persist in the same policy ? What harm is there in allowing this Union to be registered now ?

**Mr. G. R. F. Tottenham :** Personally, I see no harm whatever in allowing this Union to be registered. I will consult the other Departments of the Government of India concerned and see whether we cannot inform the Union that it can be registered.

PROMOTION TO THE RANK OF CHARGEMEN AT THE CORDITE FACTORY,  
ARAVANKADU.

999. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to state whether it is a fact that labourers of long service are not promoted to the rank of chargemen at the Cordite Factory, Aravankadu ?

(b) Are Government aware that one Ari Gowder who acted as a chargeman on three occasions was reverted to supervisor's post without being made permanent ? If so, why ?

(c) Has the attention of Government been drawn to the resolution No. 10, passed at the annual conference of the Cordite Factory Labour Union in 1933 on this subject ? If so, what steps do Government propose to take in the matter ?

**Mr. G. R. F. Tottenham :** (a) There is no bar against the promotion of qualified labourers to chargemen.

(b) Certain supervisors, who had begun their service as labourers, were tried as chargemen, but much to the regret of the authorities, they did not prove a success and were therefore reverted to their previous posts.

(c) The answer to the first question is in the affirmative. Government are always prepared to consider the claims of qualified persons but they are not prepared to reserve posts for individuals who are not qualified to fill them.

**Mr. K. P. Thampan :** Is it not a fact that this particular individual, Ari Gowder, acted as a chargeman on three previous occasions and was given rewards for good work ?

**Mr. G. R. F. Tottenham :** I am afraid, I am unable to give any particular information about this individual, Ari Gowder, but I am told that he was among a number of men who were tried in a superior post and ultimately the authorities decided that they were not suitable for it.

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**Mr. K. P. Thampan :** Will you take it from me that he was doing his work efficiently and that he was given rewards for the good work that he did during the war time ? Besides, he belongs to the depressed class community.

**Mr. G. R. F. Tottenham :** I am prepared to take that from the Honourable Member.

**Mr. K. P. Thampan :** Will the Honourable Member inquire whether it would be possible to re-instate him as a chargeman ?

**Mr. G. R. F. Tottenham :** I will make further inquiries about this individual if the Honourable Member so desires.

#### DUTIES OF THE DIVISIONAL PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

1000. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what duties are entrusted to the Divisional Personnel Officer in the Divisional Offices of the North Western Railway ?

(b) Are the Divisional Officers, *viz.*, the Divisional Transportation Officer, the Divisional Commercial Officer and such others subordinate to the Divisional Personnel Officer ?

(c) Is it a fact that in practice everything is in the hands of the Divisional Personnel Officer in the Karachi Division Office who exercises control over the work of the Divisional Officers and disposes of it ?

(d) Has the Divisional Personnel Officer any power to give a final decision on any matter and can he order transfers or promotions or appoint new entrants ?

(e) Is it a fact that the clerks of the Divisional Officer, North Western Railway, Karachi, submitted a memorial on the 23rd January, 1933, complaining against the doings of the Divisional Personnel Officer of that office ?

(f) What orders, if any, were passed on it by the Divisional Superintendent, Karachi ?

(g) Is it a fact that the Divisional Superintendent in his *interim* reply to the clerks memorial said that the representation should have been first made to the Divisional Personnel Officer ? If so, under what rule was such an order justifiable ?

(h) What relief do Government propose to give to this generally discontented staff of the North Western Railway Divisional office at Karachi ?

**Mr. P. R. Rau :** (a) The Divisional Personnel Officer deals with all personnel work in the Division, *viz.*, cases referring to pay, salaries, mileage allowance, promotion, leave, passes, transfers, postings, appointments, termination of service, appeals, Provident Fund and gratuities, compensation to staff under the Workmen's Compensation Act, etc., directly or in consultation with other Divisional Officers to the extent to which he is authorised by the Divisional Superintendent.

(b) No.

(c) Government are not aware that this is the case, but are bringing this question to the notice of the Agent, North Western Railway.

(d) The Personnel Officer exercises such powers as the Divisional Superintendent may entrust to him.

(e) An unsigned printed copy of a letter purporting to be addressed by the clerks of the Divisional Superintendent's Office to the Divisional Superintendent has been received in the Railway Board.

(f) to (h). Government have no information, but I have sent a copy of the question to the Agent, North Western Railway, who is competent to deal with these matters, for any action that he may consider necessary.

**Mr. Lalchand Navalrai :** As the reply to part (b) is in the negative, therefore he is supposed to be an officer not above the Divisional Commercial Officer and others. What I am told is that he is doing all the business. In fact, they cannot do any business without consulting him.

**Mr. P. R. Rau :** I will bring this matter to the notice of the Agent, North Western Railway.

**Mr. Lalchand Navalrai :** I might assure the Honourable Member that the original of the copy that I sent to his office was signed by the clerks and that they are very much discontented. Therefore, it will be reasonable that the Agent should inquire into this matter thoroughly and come to some conclusion whether this Personnel Officer's conduct is not such as to have made all the clerks discontented ?

**Mr. B. R. Puri :** I will be glad to send a copy of these supplementary questions and answers from my Honourable friend to the Agent.

**Mr. M. Maswood Ahmad :** May I know the name of the Personnel Officer ?

**Mr. P. R. Rau :** I do not know his name, Sir.

#### IMPORT OF " EDIBLE OIL " INTO INDIA FROM JAPAN.

1001. **\*Pandit Sātyendra Nath Sen :** (a) Are Government aware that " edible oil " is being imported into India from Japan in large quantities ?

(b) Are Government aware that the said material is being used here as an adulterant for *ghee* ?

(c) Do Government propose to take steps to put a stop to such practice ?

**Mr. G. S. Bajpai :** (a) and (b). Yes.

(c) Adulteration of foodstuffs is a provincial transferred subject, and as such it is for Local Governments, who have their own Food Adulteration Acts, to take steps to prevent the use of edible oil as an adulterant of *ghee*. The Government of India enquired from all Local Governments in April last whether any steps in this matter had been taken by them or by the local authorities under their control. The replies are not yet complete.

**Pandit Sātyendra Nath Sen :** May I know the price of this edible oil ?

**Mr. G. S. Bajpai :** I am afraid, I am not in a position to answer that question.

**Dr. Ziauddin Ahmad :** May I ask, whether it is the policy of the Government to encourage adulteration of *ghee* in this country ?

**Mr. G. S. Bajpai :** Not at all, Sir. As far as I have been able to gather from such replies as I have received, some Local Governments, at any rate, are taking action to prevent adulteration.

**Dr. Ziauddin Ahmad :** Then why did not the Government of India take action to stop the import of this oil altogether ?

**Mr. G. S. Bajpai :** Because, as the Honourable the Leader of the House explained when a question on the subject was put during the last Session, the oil is used not merely to adulterate *ghee*, but also as a lubricant and for certain other purely legitimate purposes.

#### PAYMENT ON HALVES OF CURRENCY NOTES.

1002. **\*Pandit Satyendra Nath Sen :** (a) Will Government be pleased to state the total amount for which halves of ten-rupee notes as also mismatched halves of notes of the same denomination have been refused payment since the beginning of the financial year 1930-31 to July 31, 1933 ?

(b) Will Government please state the total amount of hundred-rupee notes and notes of higher denomination, of which the halves have been reported as lost, stolen or destroyed, for which half payments have been made since 1930-31 to the end of July, 1933 ?

**The Honourable Sir George Schuster :** The information is not available and will take about one month to collect. I have already undertaken in the recent debates on an un-official Resolutions on this subject to arrange for the consideration of the Currency Note (Refund) Rules by an Expert Committee, if that course is approved by the Joint Committee on the Reserve Bank Bill. I have given instructions for this information to be collected so that it may be laid before the Expert Committee.

#### UNSUITABILITY OF THE NEW FIVE-RUPEE AND TEN-RUPEE CURRENCY NOTES.

1003. **\*Lala Rameshwar Prasad Bagla :** Has any representation been made to Government regarding the unsuitability of the new five-rupee and ten-rupee notes ? If so, what action do they propose to take to satisfy the public complaint ?

**The Honourable Sir George Schuster :** I would invite the attention of the Honourable Member to the reply given to starred question No. 338 asked by Mr. Badri Lal Rastogi on the 1st of September, 1933.

#### INCOME SINCE THE INCREASE IN THE PRICE OF THE POSTCARD.

1004. **\*Lala Rameshwar Prasad Bagla :** Is it a fact that since the price of postcard was raised last time, there has been a fall in the income from that source ? If not, has it resulted in increased income and if so, by how much ?

**The Honourable Sir Frank Noyce :** As a separate account of the sale proceeds of postcards is not maintained, accurate information of the kind required by the Honourable Member is not readily available. It is estimated, however, that the value of postcards issued from

treasuries to post offices during 1932-33 exceeded that during 1930-31, the last full year in which the old rate was in force, by approximately 6 lakhs of rupees.

ALL-INDIA ROYAL AIR FORCE EXAMINATION.

1005 \*Mr. Jagan Nath Aggarwal : (a) Is it a fact that the All-India Royal Air Force competitive examination consists of written papers and of what is called ' record ' and ' interview ' ?

(b) What is the object and policy underlying the record and interview parts of the examination ?

(c) Is it a fact that the candidates who happen to be sons and relations of persons in military or other Government services are given more marks than other candidates, regardless of their intellectual merits ?

(d) Will Government be pleased to state what facts are covered by the term ' record ' and to what extent they weigh with the examiners in giving marks ?

(e) Is it true that sometimes candidates who get the highest marks in written papers fail in record and interview, and *vice versa* ?

(f) Is it not a fact that the object of what is called the ' record and interview ' part of the examination is to pull up certain candidates and pull down others ?

(g) Is it true that in the last examination some candidates who were given very high marks in record and interview failed to get the minimum pass marks in the written papers and on the other hand, there were candidates who got very high marks in the written papers but failed to get the minimum pass marks in record and interview ? If so, was it purely accidental or due to any settled policy of Government ?

(h) If the latter, are Government prepared to take steps to remove the above state of things ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) To test the personality of the candidates.

(c) Not necessarily.

(d) The ' Record ' comprises the family history of the candidate and his career at school and college both in work and games. To what extent it weighs with the examiners is left entirely to their discretion.

(e) Yes.

(f) No.

(g) The answer to the first part of the question is in the affirmative. Neither of the suggestions made in the second part is correct. It is the Public Service Commission that conducts the examination and is responsible for the marks awarded to the candidates.

(h) Does not arise.

REPRESENTATION OF MINORITY COMMUNITIES IN THE ZOOLOGICAL SURVEY OF INDIA.

1006. \*Haji Chaudhury Muhammad Ismail Khan : With reference to the answer to question No. 48 (d) asked by Mr. Muhammad Rafique in

this House on the 14th July, 1930, will Government be pleased to state the result of their enquiry about the adequate representation of minority communities on the staff of the Zoological Survey of India ?

**Mr. G. S. Bajpai :** The Honourable Member is aware that this is a technical department and appointments to it cannot be made on a communal basis. Government, however, realise the desirability of recruiting Muslims, as vacancies occur, provided that candidates possessing the requisite qualifications are forthcoming.

#### OFFICER IN CHARGE OF THE ANDAMANS FISHERIES.

1007. **\*Haji Chaudhury Muhammad Ismail Khan :** (a) Is it a fact that the present officer in charge of the Andamans fisheries has no qualification in marine biology ?

(b) Is it a fact that Mr. Muhammad Sharif, temporary Assistant Superintendent, could not be given the charge of the fishery work in the Andamans for want of qualifications in marine biology ? If so, why was the present officer given the charge of fisheries ?

**Mr. G. S. Bajpai :** (a) No, the present Officer-in-Charge of the Andaman Fisheries has had a great deal of experience of marine biological work both in this country and in Europe.

(b) In asking the Public Service Commission to recruit an officer for the temporary post of Research Officer, Andaman Fisheries, the Government of India specifically asked them to consider the claims of Muslim candidates who might apply for the post. The Commission, however, recommended a Sinhalese who was appointed. The temporary post has since been abolished as a measure of retrenchment and an Officer on the staff of the Zoological Survey of India, who is fully qualified, is continuing the fisheries work in the Andamans.

#### UNSUITABILITY OF THE NEW FIVE-RUPEE AND TEN-RUPEE CURRENCY NOTES.

1008. **\*Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) whether their attention has been directed to the fact that the new notes of five-rupee and ten-rupee denominations are flimsy, very small in size and easily liable to damage and deterioration ;

(b) whether they are aware that people in the interior of the country hesitate to take them because they are easily lost or spoilt ;

(c) whether they are aware that the printing of the number at one corner is an inconvenience to the trading community ?

**The Honourable Sir George Schuster :** (a) Government have received certain complaints regarding the new five-rupee and ten-rupee notes.

(b) Government have no information on this point.

(c) Payment can be made on a mutilated note even if the number is not identifiable provided that the missing portion is too small to be used in support of any other claim under the Rules. It is only in the case

of a cut half note that the number must be clearly identifiable on the portion presented by the claimant. The new design will therefore not adversely affect people whose notes suffer accidental damage.

**DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.**

1009. \***Mr. Muhammad Azhar Ali** : (a) With reference to the information laid on the table of this House in reply to starred question No. 646 of 6th March, 1933, will Government be pleased to state whether any notice of discharge or order communicating the terms of abolition of the Crew system was ever served on the Inspectors of Crews, East Indian Railway, in terms of their agreement of employment ? If not, why not ?

(b) Was any option to serve on reduced pay and allowances ever given to these Inspectors of Crews as an alternative to discharge ? If not, why not ?

(c) How long can a system be treated as temporary and is it a fact that the Railway Board at one of their meetings with the All-India Railway-men's Federation expressed the opinion that no temporary or probationary period would exceed three years, so that the person recruited as such may not be turned out as over-age and his future career marred for any other Government service ? If so, what consideration was given to those of the Inspectors of Crews, who have exceeded the age-limit, in respect of their age, in the new appointments under the Moody-Ward scheme ?

(d) Is it a fact that the Divisional Superintendent, East Indian Railway, Howrah, confirmed the appointments of Inspectors of Crews—*vide* his letter No. E.H.C.-202|13|28, dated 25th April, 1930, which reads " Please note that you are confirmed as Line Inspector of Crews on Rs. 150 in the grade Rs. 150—10—200 " ? If so, how far is the answer given to question No. 646 (b) (ii), *i.e.*, " none of them were confirmed " correct ?

(e) Is it a fact that there is a break in the services of these Inspectors of Crews covering the period between the date of the abolition of the Crew system and that of their appointment under the new system on reduced pay ? If so, how do Government propose to condone it ?

**Mr. P. R. Rau** : With your permission, Sir, I propose to reply to questions Nos. 1009 and 1010 together. I have called for information and will lay a reply on the table in due course.

**DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.**

†1010. \***Mr. Muhammad Azhar Ali** : (a) Are Government aware whether there is any difference between the nature of duties and responsibilities of the Inspectors of Crews under the Crew system and the Inspectors of Tickets under the new scheme on the East Indian Railway, which warranted the abolition of the former and the creation of the latter ? If not, what were the specific reasons for not confirming these Inspectors of Crews from the date they entered the Government service under the Crew system ?

(b) Is it a fact that the temporary service of these Inspectors of Crews under the Crews system is reckoned as continuous with their present permanent service under the new scheme towards leave and gratuity ?

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†For answer to this question, see answer to question No. 1009.

(c) Is it a fact that the normal channel of promotion and recruitment of the ticket checking staff is as laid down in the rules for the recruitment and training of subordinate staff issued by the Railway Board? If so, what were the special reasons for appointing these Inspectors of Crews on the abolition of the Crew system in grades higher than the lowest open under the new scheme?

(d) Is it a fact that the following Inspectors of Crews under the Crew system were absorbed under the Moody-Ward scheme on salaries equivalent or higher than those drawn by them in the Crew system:

- (i) M. Latif, Chief Inspector, Crews, fixed as Chief Inspector, Tickets;
- (ii) A. G. Khan, Inspector of Crews, fixed as Senior Inspector, Tickets;
- (iii) C. Dunwell, Inspector of Crews, fixed as Senior Inspector, Tickets?

If so, why?

#### MEMORIAL OF THE INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

1011. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that an advanced copy of a memorial from the Inspectors of Crews, submitted in April, 1933, has been received by the Agent, East Indian Railway, Calcutta? If so, what action had been taken by the said officer?

(b) Is it a fact that the memorial addressed to the Agent, East Indian Railway, Calcutta, submitted by these Inspectors of Crews in April, 1933, through the proper channel has been withheld by the respective Divisional Superintendents? If so, why and under what rules?

Mr. P. R. Rau : Government have no information, but are sending a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

#### MODIFICATION OF RECRUITMENT RULES OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

1012. \*Mr. Uppi Saheb Bahadur : (a) Is it a fact that in temporary or officiating vacancies in the First and Second Divisions in Departments of the Government of India Secretariat, men holding permanent posts in the lower grades, who have qualified for the higher grades at one of the examinations held by the Public Service Commission, are promoted to the higher grades?

(b) Is it a fact that these departmental men, who have thus been promoted to the higher grades in the temporary or officiating vacancies, are required to perform work of a much higher responsibility than that required in their permanent posts?

(c) Is it also a fact that these men generally continue to officiate in the higher grades for a number of years?

(d) Is it a fact that, when these temporary or officiating vacancies become permanent, they are given to young nominees of the Public Service Commission who have had absolutely no past experience of Secretariat work, and the experienced departmental men, who had actually officiated in those

temporary or officiating vacancies for a number of years, have thus to revert to the lower grades ?

(e) Are Government prepared to consider the desirability of modifying the recruitment rules as early as possible ?

**The Honourable Sir Harry Haig :** Departments have a large measure of discretion in filling temporary and officiating vacancies, and I understand that in the great majority of cases they give these vacancies to departmental men. I have no reason to suppose, however, that such vacancies usually last for a number of years, nor can I accept the implication that all the men promoted temporarily prove fit for the higher grades. Under the rules a proportion of permanent vacancies in the First and Second Divisions are filled by the promotion of departmental men and the rest by direct recruitment. These rules in the opinion of Government provide adequately for the interests of departmental men, and it is not proposed to alter them.

#### RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1013. **\*Mr. E. H. M. Bower :** (a) In connection with the reply to Lieut.-Colonel Sir Henry Gidney's starred question No. 908 (b), given on 24th March, 1933, will Government please state whether the Agent of the East Indian Railway has since decided to publish in the *East Indian Railway Gazette*, the rules for the recruitment and training of subordinate staff on the East Indian Railway ?

(b) If the answer to part (a) be in the negative, will Government please state why these rules are withheld from the staff concerned ?

(c) Do these rules govern the posting of subordinates to officiating appointments ?

(d) If the answer to part (c) be in the negative, do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules ? If not, why not ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 1013, 1014 and 1015 together. Government have no information, but have forwarded a copy of these questions to the Agent, East Indian Railway, for any action that may be necessary on the points raised in these questions.

#### RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

†1014. **\*Mr. E. H. M. Bower :** (a) Is it a fact that no provision has been made in the rules for the recruitment and training of subordinate staff on the East Indian Railway, for the appointment and promotion of Assistant Trains Examiners and Trains Examiners ?

(b) If the answer to part (a) be in the affirmative, do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules ? If not, why not ?

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†For answer to this question, see answer to question No. 1013.



# **RULES FOR RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.**

†1015. \***Mr. E. H. M. Bower** : (a) Is it a fact that in the rules for the recruitment and training of subordinate staff on the East Indian Railway under the caption " Guards and the normal channels of their promotions", mention of Gunner Guards and Pilot Guards has been omitted ?

(b) Is it a fact that there are different scales of pay for Gunner Guards, Pilot Guards and Guards ?

(c) If the answer to part (b) be in the affirmative, will Government please state the salaries of these posts, Company and State scales being set down separately ?

(d) Will Government please state why vacancies in the Guards' list are filled in Divisions by recruitment :

(i) of outsiders without previous experience, and

(ii) sometimes by railway staff from other departments to the exclusion of Gunner Guards and Pilot Guards ?

(e) Do Government propose to issue instructions to the railway authorities concerned to frame the necessary rules for the promotion of Gunner Guards and Pilot Guards ? If not, why not ?

## **IRREGULARITIES IN CHARGING SALARIES OF THE SUBORDINATES ON THE EAST INDIAN RAILWAY.**

1016. \***Mr. E. H. M. Bower** : (a) Is it a fact that there are cases on the East Indian Railway where subordinates whose salaries are charged against one post, but whose services are utilised for the duties of a different post other than in an officiating chain of arrangements or on deputation ?

(b) Do Government propose to issue instructions to the authorities concerned to put a stop to such irregularities ? If not, why not ?

**Mr. P. R. Rau** : (a) Government have no information, but are making enquiries.

(b) There are instructions already in existence laying down that the salary of a Government servant should not be charged against any post other than that in which he is working.

**Mr. Lalchand Navalrai** : Ten days notice is given in order to get information and not to say that Government have no information.

**Mr. P. R. Rau** : The information which Honourable Members want sometimes takes much longer time than ten days to collect.

**Dr. Ziauddin Ahmad** : Is it quite legitimate for Government to say that they are collecting information, but it is not correct to say that they have got no information ? Government is supposed to have information on all matters under their control.

**Mr. P. R. Rau** : I am not aware that the Government ever pretended to be omniscient.

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†For answer to this question, see answer to question No. 1013.

**SENIORITY LIST MAINTAINED ON THE EAST INDIAN RAILWAY.**

1017. \***Mr. E. H. M. Bower** : (a) Is a common seniority list maintained on the East Indian Railway in order that promotions to posts as they fall vacant may be filled by the senior employees instead of by promotion being confined to subordinates in any one particular Division in which the vacancy occurs ?

(b) Is it a rule that vacancies in any one Division must be filled by employees in that Division to the exclusion of other suitable employees working in other Divisions and in the Head Office at Calcutta ?

(c) If the answer to part (b) be in the negative, will Government please state which posts are to be filled from among the employees on the several Divisions and the Head Office staff ?

**Mr. P. R. Rau** : I have called for certain information and will lay a reply on the table of the House in due course.

**WELFARE SCHEMES ON THE EAST INDIAN RAILWAY.**

1018. \***Mr. E. H. M. Bower** : (a) Is there a welfare scheme operating on the East Indian Railway by means of welfare committees posted on the Divisions for the benefit of subordinate staff ?

(b) Is it a fact that the subordinate staff of the Calcutta Head Office do not participate in the welfare scheme ?

(c) If the answer to part (b) be in the affirmative, do Government propose to issue instructions to include this category of employees in the welfare scheme ? If not, why not ?

**Mr. P. R. Rau** : (a) Government are aware that a system of Welfare Committees is in operation on certain Mechanical Workshops and on certain Divisions of the East Indian Railway.

(b) and (c). Government have no information on this point. But I am sending a copy of the question and the reply thereto to the Agent, East Indian Railway, for such action as he may consider necessary.

**SURRENDER OF THE POST OF TRANSPORTATION INSPECTOR, COMMERCIAL, ON THE EAST INDIAN RAILWAY.**

1019. \***Mr. E. H. M. Bower** : (a) Will Government please state whether the Deputy Chief Commercial Manager, Claims and Refunds, of the East Indian Railway, surrendered, as a measure of economy, the post of Transportation Inspector, Commercial, grade Rs. 280—20—500, attached to his office ?

(b) Is it a fact that on the recommendation of the same official, the Agent has sanctioned the creation of two new posts, namely,

(i) Clerk Grade I Rs. 170—218 ?

(ii) Clerk Special Grade Rs. 160—220 ? If so, why ?

**Mr. P. R. Rau** : Government have no information. These matters are entirely within the competence of the Agent, East Indian Railway, to whom I have sent a copy of the question.

## SHORT NOTICE QUESTION AND ANSWER.

### FORCIBLE ACQUISITION OF A BUNGALOW BY MILITARY ESTATE OFFICER IN PESHAWAR.

**Mr. Gaya Prasad Singh :** (a) Have Government received the following telegram on or about the 16th September, 1933, from Mrs. Tekooram, Peshawar ?

“ In absence my son Harichand ill at Murree Military Estate Officer forcibly taking possession our bungalow, 5 Fort Road, turned out myself and servants posted military guard all my jewellery and valuables in bungalow, pray stop such high-handedness allowing us reasonable time according section 18, clause (2) Land Acquisition Act and section 38, Revenue Circular No. 54 to make other arrangements.”

(b) Are Government prepared to make an enquiry and state the facts of the case, and the steps taken to prevent hardships ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Government have no information as to the facts, but I may inform the Honourable Member that, as soon as I received the telegram on Saturday, even before receiving notice of his question, I telegraphed to the Military Estate Officer asking for a full report, and adding that the occupant of a house which was being acquired under the Land Acquisition Act must be shown every reasonable consideration. If the Honourable Member wishes, I will lay a further statement on the table as soon as the report has been received and considered.

**Mr. Gaya Prasad Singh :** I have also received a similar telegram ; and I shall be very grateful if the Honourable the Army Secretary will communicate the result of the enquiry, at a later date, on the floor of the House, and see that such preventable hardship do not occur in cantonment areas ?

**Mr. G. R. F. Tottenham :** I am certainly prepared to do that.

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## UNSTARRED QUESTIONS AND ANSWERS.

### CERTAIN ALTERATIONS IN “ D ” TYPE ORTHODOX QUARTERS IN NEW DELHI.

**103. Maulvi Muhammad Shafi Daoodi :** (a) Are Government aware that the inner court-yards of the “ D ” type orthodox quarters in New Delhi are very small and the presence of a latrine on one side of them makes them still smaller and inconvenient for those who occupy them during the summer months ?

(b) Is it a fact that there is no separate room for servants in these quarters ?

(c) Is it also a fact that the question of the stoppage of the Simla exodus is under the consideration of Government ?

(d) If the replies to parts (a), (b) and (c) be in the affirmative, do Government propose to consider the desirability of enlarging the court-yards and providing a room for servants on the opposite side of the latrine in the new quarters that are going to be built in New Delhi ?

**The Honourable Sir Frank Noyce :** (a) The smallest courtyard in the “ D ” type orthodox quarters in New Delhi has an area of 400 sq. feet,

an area which is considered to be sufficient for all reasonable requirements during the summer months.

(b) No.

(c) Government have reached no decision beyond that stated on page 23 of the Summary of the Results of Retrenchment Operations in Civil Expenditure, copies of which are in the Library.

(d) The suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy.

#### ARRANGEMENTS FOR MEDICAL TREATMENT OF INDIAN CLERKS IN NEW DELHI.

104. **Rao Bahadur M. C. Rajah :** (a) With reference to the reply given to the starred question No. 1216 in this House on the 22nd March, 1929, will Government please state what improvements have since then been made in the arrangements for medical treatment of Indian clerks in New Delhi ?

(b) Is it a fact that a civil and military dispensary specially for Government servants like the one at Simla, has not been opened and that the small dispensary opened near the Indian clerks' quarters in 1929 has been closed ?

(c) Do Government propose to open a separate dispensary for outdoor patients at a central place near the Indian clerks' quarters ? If so, when ? If not, why not ?

**Mr. G. S. Bajpai :** (a) The Combined Hospital, New Delhi, has since been transferred to its new building in a more central place and is now called the Civil Hospital, New Delhi. It has accommodation for indoor patients, both Indians and Europeans. A new wing to be called Travancore Wing is being added to this Hospital for better class Indian and European patients and is expected to be ready for occupation by the 1st November, 1933. It has also been decided that the Military Assistant Surgeon and the Civil Assistant Surgeon, who attend on Government servants in Simla, should move down to Delhi during the winter months to attend on the migratory staff of the Government of India. Owing to the increased population in the Barakhamba area, a dispensary has been started under the charge of a Sub-Assistant Surgeon from the Civil Hospital.

(b) Yes.

(c) The attention of the Honourable Member is invited to the reply given to parts (c) and (d) of his unstarred question No. 84 on the 16th September, 1933.

#### ELECTRIC LIGHT IN " D " TYPE QUARTERS IN NEW DELHI.

105. **Rao Bahadur M. C. Rajah :** (a) With reference to the reply given to the starred question No. 707 in the Legislative Assembly on the 23rd September, 1929, will Government please state whether an extra electric point has been installed in the " D " class quarters in New Delhi ? If not, when do they propose to do it ?

L302LAD

(b) Is it a fact that electric points have been provided in the bath-rooms and lavatories in the lowest class quarters for Indian clerks at Simla ?

(c) If the reply to (b) be in the affirmative, when do Government propose to provide similar points in the New Delhi quarters ?

**The Honourable Sir Frank Noyce :** (a) No. The additional electric points will be provided when funds are available for the purpose.

(b) A certain number of clerks' quarters are supplied with electric points in bath rooms.

(c) The answer is contained in the reply to part (a) of the question.

#### CONSTRUCTION OF QUARTERS IN NEW DELHI.

106. **Rao Bahadur M. C. Rajah :** (a) With reference to the reply given to unstarred question No. 484 in the Legislative Assembly on the 3rd April, 1929, will Government please state whether unorthodox quarters have been constructed in New Delhi for clerks drawing less than Rs. 225 ? If not, when do they propose to construct them ?

(b) Is it a fact that Government have sanctioned the construction of new residential quarters in New Delhi ? If so, how many of each class, where and when are they to be constructed ?

**The Honourable Sir Frank Noyce :** (a) The reply to the first part is in the affirmative ; the second part does not arise.

(b) Yes ; Government have sanctioned the construction of 670 quarters of the following types :

A	..	..	..	..	9
B	..	..	..	..	61
C	..	..	..	..	151
D	..	..	..	..	299
E	..	..	..	..	150
					<hr/>
					670
					<hr/>

It is proposed to build the quarters, as soon as possible, on vacant sites in the developed area in New Delhi and in the undeveloped area between the old city wall and the main railway line in the vicinity of the Government Press.

#### LIQUIDATION OF THE INDARPRASTH STORES, DELHI.

107. **Rao Bahadur M. C. Rajah :** With reference to the reply given to the starred question No. 719 in the Legislative Assembly on the 23rd September, 1929, will Government please state whether the liquidation of Indarprasth Stores, Ltd., Delhi, is now complete ? If not, do Government propose to enquire into the cause of ten years' delay ?

**The Honourable Sir Joseph Bhore :** An enquiry has been made and the result will be furnished to the House in due course.

## NEW PENSION RULES OF THE GOVERNMENT OF INDIA.

108. **Rao Bahadur M. C. Rajah** : With reference to the reply given to the starred question No. 721 in the Legislative Assembly on the 23rd September 1929, will Government please state how the question of new pension rules stands at present ?

**The Honourable Sir George Schuster** : It has been decided that the proposal to frame new pension rules for present members of the Services is impracticable but new pension rules for those in the category of new entrants are now under consideration.

## HOUSE RENT ALLOWANCE GRANTED TO THE GOVERNMENT OF INDIA STAFF IN NEW DELHI.

109. **Rao Bahadur M. C. Rajah** : Will Government please state if they allow house rent allowance to the clerical establishments of the Government of India offices if they make their private residential arrangements in New Delhi for want of Government quarters ? If so, what are the rules for it ?

**The Honourable Sir Harry Haig** : Yes. Clerks residing in private houses in New Delhi who unsuccessfully apply for Government quarters, or who, if residing singly, are unable to obtain accommodation in the Chummeries in New Delhi, are eligible for a house rent allowance. The amount of the allowance depends on the amount by which the rent paid by the clerk exceeds 10 per cent. of his emoluments and is subject to a maximum laid down in the Home Department Resolution No. 1089-C., dated the 23rd February, 1918, a copy of which has been placed in the Library of the House.

## SHOPS ON BAIRD ROAD, NEW DELHI.

110. **Rao Bahadur M. C. Rajah** : (a) Will Government please state :

(i) What is the number of municipal shops on the Baird Road in New Delhi ; (ii) how many of them were vacant on the 1st January, 1933, and on the 1st August, 1933 ; (iii) how many of them have not yet been let for the year commencing from September, 1933 ?

(b) Are Government aware that all the private shops in the same line were occupied last year and have been let for the next year also ?

(c) Are Government aware that the vacancy of municipal shops is due to rents being higher than their worth ?

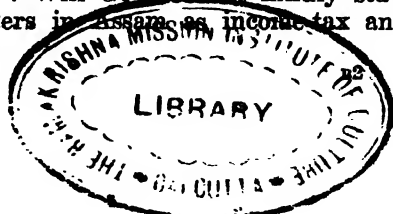
(d) Is it proposed to reduce the rents of the municipal shops to prevent loss of revenue to the municipality due to vacancies ? If so, when ? If not, why not ?

**Mr. G. S. Bajpai** : The attention of the Honourable Member is invited to the reply given to Mr. S. G. Jog's starred question No. 739 on the 7th September, 1933.

## INCOME-TAX AND SUPER-TAX PAID BY THE TEA-PLANTERS IN ASSAM.

**Lala Rameshwar Prasad Bagla** : Will Government kindly state the total amount paid by the tea-planters in Assam as income-tax and super-tax ?

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**The Honourable Sir George Schuster :** The information is being obtained and will be laid on the table in due course.

**RE-INTRODUCTION OF THE COUPON SYSTEM ON THE RAILWAYS.**

**112. Lala Rameshwar Prasad Bagla :** (a) Are Government aware that during the General Discussion on the Railway Budget some Members suggested the re-introduction of the coupon system for the benefit of both the Government and the public ?

(b) Will Government please state if they have paid any attention to the abovesaid suggestion ? If not, have they considered whether it is desirable to give effect to the suggestion now ?

**Mr. P. R. Rau :** (a) Yes.

(b) The coupon system is in operation on certain railways. Government are not prepared to press for its extension on the other railways, most of whom have tried it out and discontinued it both on account of certain abuses that had arisen and because they were of opinion that the grant of this concession did not bring them any additional traffic.

In this connection, I would refer the Honourable Member to the reply given to Mr. Thampan to question No. 646 on the 22nd September, 1932.

**PROVISION OF AN ORTHODOX RESTAURANT AT CAWNPORE CENTRAL STATION.**

**113. Lala Rameshwar Prasad Bagla :** (a) Is it a fact that representations for a restaurant at the Cawnpore Central Station for the benefit of the orthodox community have been made to the Railway authorities by Cawnpore people ?

(b) If the reply to the above question be in the affirmative, what action have the authorities concerned taken or propose to take in that respect ?

(c) Are Government aware that such a restaurant has been provided at Moghal Sarai ? If so, are they prepared to consider the desirability of making the same arrangement at Cawnpore central station as at Moghal Sarai ?

**Mr. P. R. Rau :** Government have no information but have sent a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

**INCOME FROM INCOME-TAX AND SUPER-TAX FROM EACH PROVINCE.**

**114. Lala Rameshwar Prasad Bagla :** (a) Will Government kindly inform the House of the amount of the income from the income-tax in each province separately during the last three years ?

(b) Will Government kindly state the income from the super-tax for the last three years from each Province ?

(c) Will Government be pleased to state the increase in the revenue from the surcharge ?

**The Honourable Sir George Schuster :** (a), (b) and (c). A statement is laid on the table.

Statement showing income from income-tax, surtax and surcharge in each Province during the years 1930-31, 1931-32 and 1932-33.

Provinces.	Income-tax (excluding Surcharge*).			Supertax (excluding Surcharge).			Surcharge (Income-tax and Supertax).	
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.	1931-32.	1932-33.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Madras ..	1,23,85,058	1,33,56,559	1,32,78,663	18,45,555	12,89,924	10,19,887	14,35,898	28,50,757
2. Bombay ..	2,78,39,622	3,17,94,834	3,19,51,999	80,71,919	77,29,252	70,17,123	41,03,942	88,62,817
3. Bengal ..	3,12,95,842	2,51,01,568	2,34,73,933	2,30,39,147	1,50,26,224	1,11,01,136	47,94,138	82,76,465
4. United Provinces	68,49,188	78,78,946	92,34,616	18,23,482	16,84,721	13,67,981	9,86,667	20,03,105
5. Punjab ..	54,40,442	66,28,992	71,33,465	3,96,293	4,31,760	4,03,279	5,43,853	11,74,949
6. Burma ..	1,33,57,553	1,24,20,036	1,00,65,074	56,78,472	44,56,658	33,26,427	22,77,845	35,74,318
7. B. & O. ..	41,98,561	50,74,132	50,44,280	10,03,433	10,33,272	10,21,059	5,44,474	11,78,033
8. C. P. ..	37,83,618	40,46,432	35,22,116	7,14,080	5,39,841	2,41,996	4,98,804	7,01,031
9. Assam ..	21,83,717	21,36,111	18,63,814	5,14,062	2,42,683	1,54,998	2,15,460	4,47,060
10. N.-W. F. P. ..	7,75,372	9,90,407	9,66,770	31,525	32,963	45,697	85,523	1,69,498
11. Delhi ..	20,04,798	26,33,223	22,04,473	1,82,709	2,12,008	1,89,602	1,21,915	3,06,334
12. Minor Administrations and Central Departments.	1,11,54,045	1,66,52,181	1,53,22,285	1,51,299	1,80,920	1,95,747	61,653	1,58,047
Total ..	12,12,57,815	12,87,13,421	12,40,61,488	4,34,51,966	3,28,60,226	2,60,84,932	1,56,69,272	2,97,02,354

\* But including tax on incomes below Rs. 2,000 in 1931-32 and 1932-33.



# FILLING UP OF VACANCIES IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

115. **Haji Chaudhury Muhammad Ismail Khan** : (a) Is it a fact that in the officiating vacancies in the First and Second Divisions of the clerical establishment of the Imperial Council of Agricultural Research, departmental promotions are made from Lower Divisions ?

(b) How many such vacancies have occurred in the Department during the last two years, and what are the names of the clerks who were appointed in those vacancies ?

(c) Is the seniority in service or in the Department or the fact of their having passed the prescribed test for the Division in which such vacancies occur taken into consideration whenever such vacancies occur ? If not, why not ?

**Mr. G. S. Bajpai** : (a) Yes, whenever possible.

(b) A statement is laid on the table.

(c) In making departmental promotions due regard is always paid to efficiency and seniority.

*Statement showing the number of officiating vacancies that occurred during 1931-32 and 1932-33 in the 1st and the 2nd divisions and the names of persons who were appointed thereto.*

Year.	First Division.		Second Division.	
	Number of officiating vacancies.	Names of persons appointed.	Number of officiating vacancies.	Names of persons appointed.
1931-32 ..	5	1. { Mr. Shamsuddin .. { Mr. H. G. Thapar  2. Mr. P. S. Sundaram. 3. Mr. P. S. Sundaram. 4. } Vacant. 5. }	8	1. { Mr. N. R. Srinivasan. { Mr. Kasturi Lal. { Mr. Mohamed Sana-ullah.  2. Mr. Kasturi Lal.  3. Mr. K. Narayana-swami. 4. Mr. Mufti Abdul Latif.  5, 6 and 7. Vacant. 8. Ramji Das Mohindra.
1932-33 ..	3	1. Mr. T. S. Krishnamurti  2. { Mr. Shamsuddin { Mr. Mohd. Hussain Sultan. { Mr. Shamoon Ahmed. 3. Mr. Shamoon Ahmed.	8	1. Mr. B. Chatterji.  2. Mr. Ramji Das. 3. { Mr. Ramji Das. { Mr. N. R. Srinivasan.  4. Mr. N. R. Srinivasan.  5, 6, 7 and 8. Vacant.

STAFF SERVING UNDER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH  
IN CONNECTION WITH LOCUST CAMPAIGN.

116. **Haji Chaudhury Muhammad Ismail Khan :** (a) What is the total number of clerical and technical establishment serving in connection with the locust campaign under the Imperial Council of Agricultural Research ? How many are Muslims ?

(b) How many members of the staff hold permanent appointments under Government ? How many of them are Muslims, and how many Hindus ?

(c) Is it a fact that the present Locust Research Entomologist holds a permanent post under the Madras Government ? What is his substantive pay under that Government, and what increase in pay has he been given on his temporary transfer under the Imperial Council of Agricultural Research ?

(d) Is it a fact that since last year there have been few locust invasions in the country ?

(e) If the reply to part (d) be in the affirmative, on what work are the Locust Entomologist and his staff employed ?

(f) Do the Imperial Council of Agricultural Research propose to finish the locust campaign, and disband the staff employed in connection therewith as early as possible ?

**Mr. G. S. Bajpai :** (a) The total strength of clerical and technical establishment is 13 ; eight Hindus and five Muslims.

(b) Four : two Muslims and two Hindus.

(c) Yes. His substantive pay under the Madras Government at the time of his transfer to the Imperial Council of Agricultural Research was Rs. 625 and he was given an increase of Rs. 375 which included compensation for the high cost of living in Baluchistan. His present substantive pay under the Madras Government is Rs. 675.

(d) Yes.

(e) The Locust Research staff is engaged on a biological and ecological study of the Desert Locust in those of its permanent or semi-permanent breeding grounds which lie within the frontiers of India. The object of this work is to ascertain the conditions which lead to the swarming and migration which result in locust visitations ; to ascertain to what extent the locusts which periodically cause damage in Northern India are bred within Indian limits and where the invading swarms originate ; to devise methods by which warning of coming visitations may be obtained in future so that control measures may be organised in good time ; and, if possible, to devise means of dealing with future locust visitations before they become wide-spread. Improved control measures are also being studied so far as conditions permit. Information of locust movements, and the results of research on locusts, in other countries, are regularly obtained and studied with reference to Indian conditions.

(f) The Imperial Council of Agricultural Research has not financed a campaign of locust control operations at any time but, as explained in the answer to part (e), finances only a locust research scheme. It is not

proposed to discontinue this work at present which has proved very beneficial. Expenditure of money on locust research in the period between visitations is well justified.

RESEARCH WORK ON BEHALF OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DONE AT AGRA.

117. **Haji Ohaudhury Muhammad Ismail Khan :** (a) Is it a fact that certain research work on behalf of the Imperial Council is being done at Agra ?

(b) What is the nature of that work, and under whose supervision is it being done ? How many are being employed thereon, and how many of them are Muslims ?

(c) Does the Imperial Council of Agricultural Research satisfy itself periodically that the work is being done on proper lines ?

(d) In what way does the Imperial Council satisfy itself that the grant given by it to private individuals, bodies, or Indian States is spent in the proper manner ?

(e) Are the Imperial Council prepared to consider the advisability of having such accounts audited more fully ?

**Mr. G. S. Bajpai :** (a) and (b). The Imperial Council of Agricultural Research has given a grant to the United Provinces Government for mycological research work on cereal Rusts at Agra. The work is being done under the supervision of Dr. K. C. Mehta, M.Sc., Ph.D., Professor of Botany, Agra College, Agra. There are five Assistants and one clerk employed under the scheme, none of whom is a Muslim. It is reported that no Muslim Assistants with necessary qualifications in Mycology were available.

(c) Yes.

(d) The Council receive annually progress reports on all schemes financed by it and these reports are examined by the Advisory Board and laid before the Governing Body of the Council with the Advisory Board's recommendations. The Vice-Chairman and Expert Advisers of the Council visit from time to time the research institutions and stations where schemes financed by the Council are in progress.

(e) Accounts are audited in accordance with the bye-laws of the Council which are considered quite sufficient for the purpose. A copy of the bye-laws will be found in the Library of the House.

TOURS OF OFFICERS OF CERTAIN DEPARTMENTS.

118. **Haji Ohaudhury Muhammad Ismail Khan :** (a) Is it a fact that the officers of the following departments are constantly touring :

(i) Indian Stores Department ;

(ii) Audit Office, Indian Stores Department ;

(iii) the Imperial Council of Agricultural Research ; and

(iv) the Central Board of Revenue ?

(b) Will Government please state the number of occasions on which each officer of the above offices has gone on tour during 1932-33, and the

period for which each has remained absent from the Headquarters each time ? What was the purpose of each tour ?

(c) Will Government please state the reasons for the enormous expenditure on such tours in these days of financial stringency ? How far have the recommendations of the Retrenchment Committee been observed in this respect ?

**The Honourable Sir George Schuster :** (a) Some of the officers of the Departments mentioned do tour but not constantly.

(b) Government do not consider that the value of the information asked for would be commensurate with the labour and time which would be involved in its collection.

(c) The General Purposes Retrenchment Sub-Committee did not make any recommendation as to restricting touring as a general proposition, but as a result of the retrenchment campaign budget provisions for travelling allowance were reduced and touring has consequently to be restricted to the reduced budget provision. Government consider that touring is absolutely essential in certain cases and they are satisfied that unnecessary touring is not done.

#### STAFF EMPLOYED ON THE "RESEARCH SIDE" OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

**119. Haji Chaudhury Muhammad Ismail Khan :** (a) What is the number of the Headquarters staff employed on the 'research side' of the Imperial Council of Agricultural Research ?

(b) Is it a fact that some of this staff are getting Rs. 100 per mensem, and others Rs. 75 per mensem ?

(c) Is it a fact that a clerk of the 'research side' who was getting Rs. 100 per mensem has recently been given an increment of Rs. 20 in his pay ? If so, has this increment been given to him for some additional duties or responsibilities ?

(d) Is it a fact that another clerk on the 'research side' who was drawing Rs. 75 per mensem has recently been given an increment of Rs. 5 in his pay ?

(e) Is it a fact that a third clerk who is drawing Rs. 75 per mensem and who had an equal claim for an increment, has been given no increment at all ?

(f) Have the increments referred to above been given according to some definite scales ? If not, on what basis or on what merit have they been given ?

**Mr. G. S. Bajpai :** (a) Twenty eight (two gazetted officers, 17 clerks and nine inferior servants).

(b) Yes.

(c) A clerk who was drawing a pay of Rs. 100 was promoted to the more responsible post of an Assistant on Rs. 120.

(d) Yes ; the increment was granted in consideration of particularly good work.

(e) No.

(f) The post of Assistant referred to in the answer to part (c) was newly created. In the case referred to in the answer to part (d) the increment was fixed at a figure considered suitable.

**STATISTICAL SECTION OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

**120. Haji Chaudhury Muhammad Ismail Khan :** (a) Is it a fact that under the Imperial Council of Agricultural Research, there is a separate Statistical Section ?

(b) What are its functions ?

(c) Is it a fact that the section is composed of a highly paid Statistician, an Assistant Statistician, and a clerk ?

(d) Are Government satisfied that the statistical work of the Imperial Council sufficiently justifies the existence of these three officers ?

(e) Did the Imperial Council consider the possibility of getting the work done through the office of the Director-General of Commercial Intelligence and Statistics ?

(f) Is it a fact that the rate of increment of the pay of the Statistician is Rs. 50 ? Is this the rate of increment ordinarily allowed to a member of an all-India Service or a Central Service ?

(g) Has the post of the Statistician been considered as important and responsible as any of the services referred to at (f) above ?

(h) In view of the fact that Government are seriously considering the question of a general reduction in the scales of pay of every service, was not a lower rate of increment in the pay of the Statistician considered sufficient or desirable ? If not, why not ?

(i) Are Government prepared to consider the advisability of keeping a close watch over the manner in which funds of the Imperial Council of Agricultural Research are being administered ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The functions and duties of the section are :

1. The mathematical and statistical interpretation of the results of agricultural experiments with special reference to field experiments, yield trials, manurial experiments and the working up of other biological data.
2. To assist agricultural research workers, whether employed under Provincial Governments or on research schemes of the Council, in the proper planning and interpretation of field experiments.
3. The Statistical examination of data connected with live-stock.
4. To render general statistical assistance to the Imperial Council of Agricultural Research Department in the course of its work.
5. To enquire into problems of agricultural statistics.

(c) The section is composed of one Statistician on Rs. 600, one Statistical Assistant on Rs. 180, one clerk on Rs. 75 and one peon on Rs. 15 per mensem.

(d) Yes.

(e) Yes. The section was established after consultation with the Director-General of Commercial Intelligence and Statistics.

(f), (g) and (h). The Statistician whose post is important and responsible was recruited in 1930 on Rs. 450 per mensem and was granted an increment of Rs. 50 on completion of one year's service. He was placed in charge of the Statistical Section established in 1932, and his pay was fixed at Rs. 550—600 with due regard to the nature of the duties to be performed by him.

(i) Government are satisfied that the grant made by them to the Council is properly administered.

#### BONUS PAID TO POLICY-HOLDERS BY POSTAL INSURANCE.

121. **Rao Bahadur B. L. Patil :** (a) Will Government please state what bonus they have paid from time to time to policy-holders of postal insurance during the last 12 years ?

(b) What amount (all told) has so far been paid to policy-holders since the establishment of the postal insurance and what amount has been kept in reserve out of the profits ?

(c) How do Government propose to dispose of these profits kept in reserve ?

**The Honourable Sir Frank Noyce :** The information is being collected and will be laid on the table of the House in due course.

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#### MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, two Messages have been received from the Council of State. The first Message is as follows :

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to constitute a Reserve Bank of India be committed to a Joint Committee of the Council of State and of the Legislative Assembly, with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members, was considered by the Council of State at their meeting held on the 16th September, 1933, and that the Resolution was concurred in by the Council."

Sir, the second Message runs thus :

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be committed to a Joint Committee of the Council of State and of the Legislative Assembly with instructions to report on or before the 20th November, 1933, and that the Joint Committee do consist of 28 members, was considered by the Council of State at their meeting held on the 16th September, 1933, and that the Resolution was concurred in by the Council."

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#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred questions Nos. 308, 309, 310, 311, 312 and 313 asked by Mr. M. Maswood Ahmad on the 31st August, 1933.

## ABSENCE OF MUSLIM OFFICERS IN THE CALCUTTA PORT TRUST.

\*308. (a) Yes.

(b) Yes.

(c)

			<i>Number.</i>	<i>Percentage.</i>
Europeans and Anglo-Indians	..		208	88.89
Hindus	..	..	25	10.68
Muslims	..	..	<i>Nil</i>	.00
Others	..	..	1	.43
			<hr/> 234 <hr/>	<hr/> 100 <hr/>

(d) and (g). Many of the posts require qualifications not at present possessed by Indians, for example there are 47 posts for which the incumbents require a Master Mariner's Certificate. With regard to other posts, the Commissioners have in their service Indians capable of rising to higher appointments now held by Europeans, but the rate of promotion depends largely upon retirements.

(e) and (f). The total number of posts which carry a maximum salary of Rs. 500 or over is 213. Of the total number of 234 posts referred to in answer to part (c), 174 are filled by men with engineering, marine and accountancy qualifications.

(h) Government have no information regarding the general educational qualifications of the Commissioner's staff.

AMOUNT SPENT ON THE SALARIES AND ALLOWANCES OF THE OFFICERS UNDER  
THE CALCUTTA PORT TRUST.

\*309. Yes.

RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

\*310. (a) No. There is a Mussalman Probationer in the Traffic Department.

(b) (i), (ii), (iii). *Nil*.

(iv) 2.

(v) 3.

(vi) 42.

(vii) 100.

(viii) 13. These figures are approximate and include only men who come under the Fundamental Leave Rules.

(c) No.

(d) (i) 4.

(ii) and (iii). *Nil*.

(iv) 1.

(v) and (vi). *Nil*.

(vii) 6.

(viii), (ix) and (x). Nil.

(xi) 4.

(xii) 1.

(xiii) 144.

(e) and (f). Vacancies for clerical posts are not advertised, as there is always a long waiting list. Vacancies for more senior posts are usually advertised and in these advertisements the minimum qualifications which the candidates must possess are always mentioned.

(g) No.

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#### RECRUITMENT OF STAFF IN THE CALCUTTA PORT TRUST.

\*311. (a) Yes.

(b) Europeans and Anglo-Indians	..	..	..	17
Hindus	..	..	..	107
Mussalmans	..	..	..	20

(c) No. Except in the case of a small number of high posts the power to make appointments to the services under the Calcutta Port Commissioners is vested by law in the Commissioners themselves.

A copy of these questions and replies will, however, be sent to them.

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#### RECRUITMENT OF STAFF IN THE CALCUTTA PORT TRUST.

\*312. (a) Yes.

(b) (i) 19.

(ii) 1.

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#### VOLUNTARY RETIREMENT OF MUSLIM EMPLOYEES OF THE CALCUTTA PORT TRUST.

\*313. 4.

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**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to question No. 740 asked by Mr. S. G. Jog on the 7th September, 1933.

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#### PURCHASE OF PETROL BY THE NEW DELHI MUNICIPAL COMMITTEE.

\*740. (a) No.

(b) and (c). Do not arise.

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**Major W. K. Fraser-Tytler** (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 654 asked by Mr. Gaya Prasad Singh on the 5th September, 1933.



SERVICE OF EUROPEAN INDIAN CIVIL SERVICE OR OTHER OFFICERS LENT  
TO PLACES OUTSIDE BRITISH INDIA.

\*654.

## Statement.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
<i>Indian Civil Service Officers.</i>			
1	Capt. A. W. Ibbotson, M.B.E., M.C.	Alwar State ..	29th January, 1933.
2	Mr. J. A. Mackeown ..	Bahawalpur State ..	11th November, 1929.
3	Mr. C. G. Herbert ..	Cochin State ..	7th October, 1930.
4	Mr. A. L. Binney ..	Hyderabad State ..	16th February, 1930.
5	Mr. T. J. Tasker, O.B.E. ..	Hyderabad State ..	February, 1927.
6	Mr. J. M. Sladen ..	Khairpur State ..	9th May, 1932.
7	Mr. G. P. Stewart ..	Manipur State ..	1st February, 1932.
8	Mr. B. G. Holdsworth ..	Pudukkottai State	18th November, 1931.
9	Mr. T. Austin, Bar.-at-Law ..	Travancore State ..	12th February, 1932.
<i>Political Department Officers.</i>			
1	Mr. F. V. Wylie, C.I.E. ..	Alwar State ..	16th March, 1933.
2	Major C. P. Hancock, O.B.E., M.C.	Bharatpur State	5th May, 1932.
3	Captain W. F. Webb, I.A. ..	Bundi State ..	16th January, 1932.
4	Lt.-Col. K. A. G. Evans-Gordon, I.A.	Cooch Behar State	1st April, 1931.
5	Mr. M. H. Jones ..	Faridkot State ..	1st November, 1932.
6	Major P. Gaisford ..	Gwalior State ..	1st March, 1929.
7	Lt.-Col. E. J. D. Colvin, C.I.E., I.A.	Kashmir State ..	27th February, 1932.
8	Mr. C. L. Corfield, M.C. ..	Rewa State ..	12th March, 1932.
9	Captain D. R. Smith, I.A. ..	Rewa State ..	16th October, 1932.
10	Major D. de M. S. Fraser, I.A. ..	Tonk State ..	23rd October, 1930.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
	<i>Indian Audit and Accounts Service.</i>		
	Mr. J. W. Young, O.B.E. ..	Jodhpur State ..	10th March, 1923.
	<i>Police Officers.</i>		
1	Mr. D. G. Holliday (Punjab Police)	Alwar State ..	18th June, 1933.
2	Mr. G. D. Perkin .. ..	Benares State ..	1st April, 1931.
3	Mr. G. W. Benton .. ..	Hyderabad State ..	2nd November, 1926.
4	Mr. B. C. Taylor .. ..	Indore State ..	25th February, 1932.
5	Mr. F. S. Young, C.I.E. (U. P. Police).	Jaipur State ..	1st May, 1931.
6	Mr. W. C. Edwards (Indian Police)	Junagadh State ..	1st October, 1931.
7	Mr. Archbold .. ..	Kashmir State ..	24th July, 1933.
8	Mr. E. G. B. Peel, C.I.E. (Indian Police).	Kashmir State ..	2nd January, 1933.
9	Mr. A. W. J. Brown (U. P. Police)	Tonk State ..	26th April, 1933.
10	Mr. F. W. Garrard, Indian Police, Bombay.	Shanghai.. ..	22nd December, 1931.
	<i>Medical Officers.</i>		
1	Capt. K. B. Gore, I.M.S. ..	China .. ..	31st July, 1930.
2	Capt. S. T. Davies, I.M.S. ..	Singapore ..	23rd January, 1933.
3	Dr. W. P. S. Mitchell, M.B.E., I.M.D.	Bastar State ..	5th November, 1910.
4	Major J. P. Huban, O.B.E., I.M.S.	Jaipur State ..	2nd January, 1932.
5	Major L. Oswald .. ..	Rewa State ..	Permanent.
	<i>Military Officers.</i>		
1	Lt.-Col. H. deN. Lucas ..	Bhopal State ..	1st October, 1930.
2	Lt.-Col. C. R. C. Lane, M.C., I.A.	Hyderabad State ..	November, 1931.
3	Capt. P. B. Sanger .. ..	Kashmir State ..	4th February, 1933.
4	Capt. F. D. S. Field, M.C., I.A. ..	Mewar (Udaipur) State.	5th April, 1932.
5	Capt. W. M. Fairley .. ..	Travancore State ..	12th September, 1932

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
<i>Military Officers—contd.</i>			
6	Lt.-Col. G. F. Turner .. ..	Travancore State ..	22nd May, 1927.
7	Lt.-Col. M. C. Lake .. ..	Aden .. ..	26th November, 1928.
8	Capt. B. P. Dicker .. ..	China .. ..	2nd March, 1930.
9	Bt.-Major G. T. Wards .. ..	China .. ..	13th January, 1932.
10	Major R. E. Alderman, C.I.E., O.B.E.	Iraq .. ..	13th November, 1919.
11	Capt. W. A. Lyon, O.B.E. ..	Iraq .. ..	27th January, 1919.
12	Capt. G. D. Pybus .. ..	Persia .. ..	1st July, 1933.
13	Capt. H. M. Smyth .. ..	Shanghai .. ..	1st March, 1932.
14	Capt. J. E. Fairlie .. ..	United Kingdom ..	1st September, 1931.
15	Capt. J. Wilson .. ..	United Kingdom ..	2nd February, 1933.
16	Major N. G. Hind, M.C. ..	United Kingdom ..	15th October, 1930.
17	Bt. Lt.-Col. G. B. Henderson ..	United Kingdom ..	22nd January, 1931.
18	Major C. W. Toovey, M.C. ..	United Kingdom ..	6th January, 1933.
19	Bt. Lt.-Col. J. G. Smyth, V.C., M.C.	United Kingdom ..	16th January, 1931.
20	Capt. D. B. Sangster .. ..	United Kingdom ..	10th December, 1932.
21	Col. H. L. Ismay, C.B., D.S.O. ..	United Kingdom ..	1st August, 1933.
22	Major H. E. Eve, M.C. ..	Hong Kong ..	24th February, 1932.
<i>Other European Officers.</i>			
1	Mr. E. N. Fenwick (I. S. E.) ..	Bahawalpur State	9th February, 1932.
2	Mr. W. S. Bray-Brooke ..	Bahawalpur State	19th December, 1932.
3	Mr. S. H. Bigsby (I. S. E.) ..	Jaipur State ..	12th August, 1924.
4	Mr. S. G. Edgar (I. S. E.) ..	Marwar (Jodhpur) State.	6th November, 1929.
5	Mr. A. G. Dix (I. E. S.) ..	Nabha State ..	1st September, 1931.
6	Mr. D. C. McDonald (I. F. S.) ..	Rewa State ..	10th February, 1933.
7	Mr. Hugh McPherson .. ..	Bamra State ..	29th July, 1922.

Serial No.	Name of Officer.	Name of the place outside British India where the services of an officer have been lent.	Date from which the services of an officer have been lent.
<i>Other European Officers—contd.</i>			
8	Mr. H. D. Christian .. ..	Gangpur State ..	6th February, 1922.
9	Mr. A. E. C. McGavin .. ..	Patna State ..	31st July, 1926.
10	Mr. J. H. L. Gordon .. ..	Rewa State ..	Date of appointment not known.
11	Miss Herths .. ..	Rewa State ..	Ditto.
12	Miss M. Mason .. ..	Rewa State ..	Ditto.
13	Mr. A. J. Booth of Survey of India, Class II.	Iraq Government ..	23rd January, 1920.
14	Mr. J. Parlyby, O.B.E. .. ..	Iraq Government (Baghdad).	23rd April, 1917.

#### THE INDIAN DOCK LABOURERS BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I beg to move for leave to introduce a Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

The motion was adopted.

**The Honourable Sir Joseph Bhore** : Sir, I introduce the Bill.

#### THE RESERVE BANK OF INDIA BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to constitute a Reserve Bank of India, namely, Sir Cowasji Jehangir, Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. Bhuput Sing, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Māmūn Suhrawardy, Sardar Nihal Singh and the Mover.”

The motion was adopted.

#### THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely, Sir Cowasji Jehangir,

[Sir George Schuster.]

Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. Bhuput Singh, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Māmūn Suhrawardy, Sardar Nihal Singh and the Mover."

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I know what will be the quorum ? I do not find anything in the motion. On previous occasions the quorum used to be mentioned ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Under the Standing Order, there is no provision made for mentioning the quorum in the case of a Joint Select Committee of both Houses.

**Mr. R. S. Sarma** (Nominated Non-Official) : May I ask whether any experts are going to be associated with this enquiry ?

**The Honourable Sir George Schuster** : I have already made a statement on the general intention as regards consulting experts in one of the speeches that I made in the course of the debate on the Reserve Bank Bill. The exact procedure will have to be determined by the Committee itself and an early meeting will be arranged for considering it.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadian Rural) : Have Government decided with regard to the experts who will be called ?

**The Honourable Sir George Schuster** : No, Sir, it is implied in the answer which I have already given that the matter will be discussed by the Committee itself.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely, Sir Cowasji Jehangir, Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. Bhuput Singh, Mr. B. Das, Sardar Sant Singh, Rao Bahadur S. R. Pandit, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Māmūn Suhrawardy, Sardar Nihal Singh and the Mover."

The motion was adopted.

#### MOTION *RE* FUTURE ADMINISTRATION OF ADEN.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion relating to Aden.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadian Rural) : Sir, the question about the transfer of Aden was dealt with in the communiqué published by Government on June 20, 1933. The communiqué shows that the British Government intend to take over the administration of Aden from the Government of India, and, in order to induce the people of India and the Government of India to comply with this request, they have offered in the communiqué a small bait of about 20 lakhs of rupees which is at present payable towards the military and political administration. Now, Sir, I think this sum of 20 lakhs is not the actual sum which the Government of India have to pay towards the military expenditure in Aden. Very recently, in the other place, a

question was answered by the Honourable Mr. B. J. Glancy in which it was said that the contribution for political and military expenditure in 1930-31 was £1,50,000, in 1931-32 it was £1,36,499 and, for the year 1932-33, up to March, 1933, it was £1,19,959. It will thus be seen that the charge which the Government of India have to bear is gradually diminishing, and at present stands at Rs. 16 lakhs.

**The Honourable Sir George Schuster** (Finance Member) : I would remind my Honourable friend that that is not the final figure. I will take an early opportunity of intervening in the debate to explain the financial position.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I hope the Finance Member will take an early opportunity of laying the final figures before the House and also before the Standing Finance Committee for discussion of those figures.

**Mr. B. V. Jadhav** : Now I have to point out that, according to the figures which have been supplied, the civil expenditure and income are as follows. In 1930-31, the expenditure was Rs. 12,45,500 and the income was Rs. 10,27,558. In 1931-32, the income was Rs. 12,04,100 and the expenditure was Rs. 11,39,000 ; so there is a small profit. In 1932-33, the revised estimates show an income of Rs. 13,64,000 and an expenditure of Rs. 11,01,700 ; so there is a profit of considerably over two lakhs. So, if these two lakhs are deducted from the amount of 16 lakhs, the net charge which the Government of India have to bear comes to about 14 lakhs. Further, we have to take into consideration that the trade of Aden is in the hands of the principal merchants of Bombay and Calcutta and as their head offices are in those cities, they have been paying income-tax on the profits they make in the Settlement of Aden, at their head offices. If that is computed, the loss to Government, if Aden is transferred, will be about four lakhs. So, if that amount of four lakhs be again deducted from the amount of 14 lakhs, then the loss will be only 10 lakhs. Therefore, the bait offered to the people of India and the Government of India of a saving of 20 lakhs comes down, on further examination, to about 10 lakhs. At the same time, I have to point out here that the royalty on salt imported from Aden at the rate of eight annas per ton on about 2,80,000 to three lakh tons annually amounting to Rs. 1,50,000 payable to Government is not shown in the answer given there. In the details of income, the income from salt has been shown at Rs. 1,01,000, but I think this is the amount which the inhabitants of Aden have to pay on account of the salt consumed and I am not certain under what item this amount of royalty is included. Then there is the amount of ground rent payable by salt works to the Government of India amounting to Rs. 25,000 approximately annually, and there is also another item which I do not find in the details given, and that is that the salt works have also to pay a toll tax at two annas per ton of salt exported, amounting annually to roughly Rs. 38,000. Then the salt works have to pay a house and property tax of about Rs. 75,000, and so on. So the administration of Aden at present is not so expensive as it was previously, and, as we have seen, the military expenditure also is being reduced year by year. The aeroplanes have come to stay and the expenditure on garrisons has been considerably reduced both in Mesopotamia and in Aden.

Then, Sir, this was the inducement or bait offered to Indians in respect of the transfer of Aden from India to the Colonial Office. Another bait has also been offered to the people of Aden to induce them to consent to

[Mr. B. V. Jadhav.]

the transfer. This is not given in the communiqué. But if I understood the Honourable the Leader of the House the other day, he said that if Aden was transferred to the Colonial Office, the citizens of Aden would not have to pay Rs. 20 lakhs, but the Imperial Government would pay it. The plain meaning of this statement is, as the Imperial Government have been charging the Government of India a part of the military expenditure, so Aden, when separated from India, would naturally be expected to meet that expenditure. But the Government of Britain was going to be very considerate and generous and remit it to Aden. That was the impression I gathered the other day. This means, in other words, if Aden is under the Indian Government, the people of India, including the people of Aden, will have to pay this amount, but, as soon as Aden is transferred to the Colonial Office, that Settlement will not be asked to pay, but the burden will be borne by the Imperial Government.

I may here point out, Sir, that India today is financially not in a good position. Certain reforms have been promised. Federation is looming large on the horizon, and India is said to be on the way to dominion status. I am afraid, Sir, that, under the White Paper Scheme, dominion status is a very very far contingency. However that may be, the British Government is taking care to clip the wings of India. First they are clipping the eastern wings of India by trying to separate Burma, and, now, the western wing, which is the Aden Settlement, is also going to be clipped.

Now, Sir, arrangements are being made to separate Burma, and what is the ground advanced in justification of this action? It is said that the people of Burma desire to have separation from India; but this is not quite correct. No doubt, there is a section of the Burmese people who want separation of Burma and to have dominion status for Burma, and though that section is in a minority, it is a very strong minority. But the majority is against separation. But, in the case of Aden, the same principle of self-determination is not applied. If the people of Aden are consulted, I am sure, a very large majority will be in favour of remaining with the Government of India. They have expressed their will in public meetings and in every possible way they could. The other day the Honourable the Leader of the House flung in our face a representation by certain Somali traders in Aden, but somebody has whispered to us that those traders are only 30 in number, and they were not even permanent residents of Aden.

Sir, Aden has a population of 53,000, and it consists of Arabs, Jews and Indians, both Hindus and Mussalmans, who have made their homes there and who are the real residents of Aden, and, therefore, it is their voice which must prevail and which ought to be respected. Of course, there are certain people who are casual visitors for the purposes of carrying on trade. I do not mean to suggest that they cannot have any voice in the matter, but at all events the voice of the permanent residents of Aden ought to prevail, because they have got everything at stake there, while the others are mere birds of passage who merely go to Aden, remain there for a time for the purpose of trade and, as soon as their pile is made, leave the place, and as such they cannot have as much interest in the Settlement as the permanent residents who have settled there for years.

Sir, the Settlement of Aden had been for nearly a 100 years with the Government of Bombay, and the merchants of Bombay have made Aden

what it is today. They have their vast godowns, their wharves, their buildings and their salt pans and everything that makes Aden what it is today is due to the exertions and sacrifices which the Bombay merchants have made. Sir, a public meeting was held the other day at Aden of all the citizens of the place including Arabs, Jews and Indians, and they strongly protested against Aden being transferred to the Colonial Government, and they strongly expressed a desire to remain with the Government of India, as they have been for nearly a century, and they appealed both to the Government of India and to the people of India not to forsake them, and, above all, they strongly resented being handed over to the Colonial Office which is so notorious for its anti-Asiatic policy. They further pointed out that the Settlement of Aden had prospered under the Government of India, and the civil administration was not a burden on India, but it was self-supporting, and the Settlement promises to be more prosperous which was also in the interest of Indian trade and commerce. They pointed out the miserable condition of the neighbouring Somaliland ports of Barbara, etc., which were transferred to the Colonial Office, and this condition they attribute to the anti-Asiatic policy of the Colonial Administration. Sir, this is the opinion of the people of Aden, and I think, if a plebiscite were to be taken, it would be preponderating in favour of remaining with India.

An Honourable Member the other day, while speaking on this question, said that the transfer was in favour of the Arabs there. The Arabs, Jews and other communities, which make the total population of Aden, are enjoying equal rights. There is no discrimination under the rules of the Government of India, but the people of Aden, as well as the people of India, know that as soon as Aden is transferred to the Colonial Administration, in spite of the promises made in this communiqué that discrimination will not be made, there is genuine apprehension in the minds of the people that injustice is sure to be done to the people of Aden. We know from bitter experience what value to attach to these promises. The Colonial Office and the British Government often times made large promises that justice would be done to the Indians in South Africa, but we know, Sir, what their condition is. The Indians in Kenya and other Settlements....

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : I do not want to interrupt my Honourable friend, but, since the matter has been referred to by more than one Member, I would like to state for his information that the figures I gave, namely, 29,820 were the figures of the Arab population of Aden.

**Mr. B. V. Jadhav** : Yes, but do they form part of the 53,000 and odd ?

**The Honourable Sir Joseph Bhore** : Yes, Sir, certainly they form part of the 46,638 which is the number recorded in the Census of 1931.

**Mr. B. V. Jadhav** : The condition of the Indians in Tanganyika is also the same. The Arabs and other inhabitants of Aden know that, if they are transferred to the Colonial Office, their status and their position will be greatly prejudiced and they will not get as much freedom as they are getting under the Government of India. The people of Bombay and the people of India do not wish that Aden should be transferred. The Indian Legislature has been reiterating and discussing this question from the year 1921 again and again. I need not read to the



[Mr. B. V. Jadhav.]

House the various discussions that took place and the conclusions arrived at and the various promises made by responsible officers of Government. I shall say cursorily that in 1921 when it was proposed to transfer the administration of the Settlement of Aden to the Foreign Office, not only Indians, but also the Arab and Jew residents of Aden protested against it and claimed their right of self-determination and demanded that they should remain with India. At that time, the Government of Bombay, through their official representative in the Council of State, supported the Resolution of the Honourable Sir Phiroze Sethna. At that time, Sir Denys Bray stated that the idea of transfer of Aden has long since been abandoned. That was in 1921, but now the abandoned idea seems to have been taken up again. In 1927, the Commander-in-Chief announced the transfer of the military administration of Aden to the Imperial Government. At the same time, he said :

“ Honourable Members are aware that the Settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interests should not go outside the ken of the Government of India. It will accordingly be retained as part of the Settlement and the municipality of Aden remains under the Government.”

Now, this Legislature has been given an opportunity of saying what the voice of the country is. Although these assurances were given that it was not the intention of the Government to transfer the control of Aden, I now understand that the Government of Great Britain has become alive to the necessity of the transfer and the reason they give is this :

“ The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation, that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control.”

Now, Sir, the chief reason given is that Aden is geographically remote from India. It has been geographically remote for the last 100 years and this point, that it will not fit into the new Federal Scheme, surprises me. We have in this vast country of India French Settlements at Pondicherry, at Chandernagore and at Mahe, and France, as is well known, is a republic. These Settlements fit into the administration of France and their representatives sit in the House of Deputies there. Portugal has also some settlements on the West Coast of India. There is Goa, Diu and Daman. In the old Constitution, it was a monarchy and, under the new Constitution, it is a republic. Still these possessions fit into the administration of the republic. Is it so very difficult, is it so much impossible to find out a scheme under which Aden can be fitted into the scheme of the Federation. I ask, whether the statesmanship of England is so very bankrupt that they cannot find out any other way than to separate Aden and put it under the colonial form of Government ? This Federation is no insuperable difficulty. Other nations have solved such a difficulty. The possessions of France and Portugal are more than 5,000 miles away. Aden is only 1,500 miles and the distance, owing to aeroplanes and other things, has been dwindling very perceptibly every year. So, this excuse about Federation is not a very sound one.

I shall now refer briefly to the history of Aden and how it came under the administration of India. It is well known that from time

immemorial India, Arabia, Persia and Iraq were closely connected with each other by trade and commerce. Indian ships were visiting the ports of Arabia, Persia and Iraq, and Arabian ships were visiting the ports of India even before the British people or any Europeans set their foot on the Indian coast. When Britain acquired vast tracts of territory in India, they had to look to the politics of the neighbouring nations, such as Afghanistan, Persia and Arabia. They had trading interests in the Persian Gulf and in Arabia and the Government of India thought that it would be a very great advantage to have the possession of Aden which was a very important strategic position. So, the troops of

12 Noon.

India and the money of India achieved the conquest of Aden. Ever since the year 1839—94 years ago—Aden has been under the Indian rule. Ever since that time, India had been sending the military forces there. The expenditure incurred by India on that account from the year 1839 has been variously computed. According to Sir Denys Bray and Mr. E. M. Cook, the Secretary who gave these figures in 1921, it is computed that from 1839 to 1921—a period of 82 years—India has paid at the rate of about 50 lakhs annually. From the year 1921 to 1927—a period of six years, according to the figures given in 1927 by the Commander-in-Chief, the expenditure amounted to about 35 lakhs a year. From 1927 to 1932—a period of five years, the expenditure amounted to at the rate of Rs. 20 lakhs annually. So, if we capitalise the amount of money spent year after year according to this scale, it amounts to the enormous amount of 758 crores and 16 lakhs at the rate of  $4\frac{1}{2}$  per cent. The figures given by the Welby Commission in the year 1900 are very very moderate. I shall give those figures. From 1839 to 1914—a period of 75 years—India spent at the rate of 15 lakhs annually and from the year 1915, 50 lakhs annually and then 16 lakhs annually. This amount also comes to 169 crores approximately.

**The Honourable Sir George Schuster :** Could my Honourable friend give me the reference in the Welby Commission's report which he is quoting ?

**Mr. B. V. Jadhav :** I think I shall be able to give that reference later on.

**The Honourable Sir George Schuster :** My Honourable friend cannot give it now.

**Mr. B. V. Jadhav :** No. So, it will be seen that, from a moderate computation, the amount India has spent amounts to Rs. 758 crores and, from another calculation, it comes to about 300 crores. So, I think the real amount must be somewhere between these two figures. I shall claim on behalf of India that, if England wants to take the Settlement, then all this money ought to be re-imbursed. Some may say that, although the Indian troops took possession of Aden, the policy was dictated by the Government of Britain. I am not going to dispute that point. The only question I would ask is : Did the Indian troops conquer Aden in the interests of India or in the interests of England and for her benefit ? If it is disputed that it was conquered for England and in England's interests, then the latter country would have immediately taken possession of it and would have met all the expenses incurred in the conquest and would have conducted its administration since that time. Instead of doing so, they have allowed India to administer the country as if it

[Mr. B. V. Jadhav.]

belonged to India for the last 94 years and to spend on its garrison. Therefore, the presumption is that the conquest was in the interests of India and for the benefit of India. But, for argument's sake, I allow that the conquest was for the benefit of England, and England has a prior claim to the possession of Aden. Then, it follows naturally that the position of India from the year 1839 to the present day is the position of an Agent. And, as this Agent has expended the money for the improvement of Aden and for its protection with the approval of the British Government, it stands to reason that even in that case England ought to come forward and pay the whole amount which India has spent in protecting the country and doing everything necessary. If India is to be looked upon as the owner, then, of course, the question of transfer does not arise. India is not at present in a position to enforce the reimbursement of the money spent upon the advancement of Aden. But if it is to be held that India was in possession of Aden as an Agent, then, I think, when the principal wants to take over the possession of the property, he ought to re-imburse the Agent for all the expenses he has rightfully incurred in the interests of the property.

Then, Sir, certain promises are here made for the satisfaction of the people of Aden—no racial legislation or segregation will be permitted by His Majesty's Government. All such promises were made previously in the case of South America, Kenya or Tanganyika, but we know what the worth of those promises is.

I wish to urge another point, namely, that the Government of Bombay themselves have spent certain amount of money on the public works of Aden and I think it would be right on the part of that Government to claim compensation for the works they have executed and the money they have spent.

In conclusion, the Government of India conquered Aden and have held it, administered it and paid the military expenses for its protection. As a matter of fact, the military force required for the protection of Aden alone will not be a heavy one. The tribes that surround Aden are not very powerful tribes and a powerful garrison is not necessary. But, as Aden stands on the trade route of the whole Empire, it has become a place of very great strategic importance. Therefore the interests of the Empire as a whole requires that Aden should be adequately garrisoned and protected. For that purpose a very heavy force has been stationed there from the very beginning. As a matter of fact, the military protection of that place ought to be a charge on the Imperial Government. By the promise that has been held out to the people of Aden that after the transfer of Government, the Government of Great Britain will undertake the 20 lakhs of expenses required for the military protection of the settlement itself shows that Great Britain admits that the charge is legitimately hers and it has been laid on the shoulders of India rather unjustly. The protection of Aden is in the interest of the whole Empire and, if necessary, the contribution ought to be levied from all the countries benefited by the retention of that station. India will willingly bear her share of the burden and up to this time India has been bearing the entire burden. India has spent about 400 crores or 500 crores on the protection of Aden for the past 94 years and, if

England wants to take possession of Aden and administer it through the Colonial Office or through the Foreign Office or in any other way, in justice she ought to refund this sum of 400 crores or 500 crores. Several British officers have made promises at various times that Aden will not be transferred. The population of Aden is not going to accept a transfer and they have unequivocally shown, at least a majority of them, that they are in favour of remaining under the Government of India. The Indian people also are not very anxious to get rid of Aden. They want Aden. They want to assist their own merchants in Aden and also in East Africa and Somaliland in their trade. India has great cotton piece-goods and wheat and rice and *jawar* and other food grains for which she wants a market outside. Therefore, it is in the interest of India and Indian trade that Aden should be retained although it may be a burden on the resources of India. But India is willing to bear this burden and, therefore, I recommend that this House should unanimously declare its decision that Aden should be retained under the control of the Government of India.

**The Honourable Sir George Schuster :** Sir, I think it would be well to intervene at this stage to say something on the general financial aspect of this question. Very full details of recent expenditure and revenue of Aden were provided in answer to a question asked in the other House by the Honourable Mr. V. V. Kalikar on the 29th August and my Honourable friend, who has just spoken, referred to that information. I think, in order to see this question in its proper perspective, it is just as well to say something of the past history. I am afraid, I cannot, however, if I go back into the past history, meet my Honourable friend on the ground which he himself has chosen, a ground which leads him to calculate the value of the cost of the investment in Aden in what I think I can fairly describe as astronomical figures. I am totally unable to find out how my Honourable friend made his calculations, or on what they were based. But I do suggest for the consideration of this House that it is not very profitable to attempt to calculate the value of Aden by going back a hundred years and then adding up the expenditure and allowing it to accumulate at compound interest. If my Honourable friend likes to calculate his own value, that is to say, the cost which has been expended annually on his maintenance, education, etc., and allows that to accumulate at compound interest, I should imagine that, on his own methods of calculation, he would find himself to be worth something like five crores. But I doubt if my Honourable friend would command that price in the market. I think also it is fair to point out, when we are looking at the matter in that way, that there is something to be said on the other side. I think every one who lives in India recognises that the value of India's trade very largely depends on the existence of the British navy. Now, Sir, there—just to take one example,—is one field of expenditure which is to be entirely borne by the British taxpayer. If we were to go back to the early years of development of India's trade and reckon what the value of the services of the British navy to India had been,—adopting my Honourable friend's methods of calculation—we should find an item in the balance sheet on the other side which would balance anything that my Honourable friend has had to put forward. Some of us on this side see the matter, when we are talking in terms of financial burdens, from the point of view of the people who have to pay

[Sir George Schuster.]

taxes in England, and I venture to say that the English taxpayer is the most heavily burdened individual in the world, and that if we take a broad view of the cost of maintaining the British Empire and all that it means, the British taxpayer certainly bears a lion's share of that burden. Sir, I do think it is necessary to bear these broad considerations in mind in order to examine a question like this in its proper perspective. But, having said that, I wish to make it clear that we, representing the Government of India, in this debate, do not wish to appear in any sense as advocates of a particular side. We merely wish to give what assistance we can in presenting the true facts to the House.

Now, Sir, until 1900 the entire civil and military expenditure in connection with Aden was borne by India; but on examining the evidence, given before the Welby Commission, I have found that a certain share of the cost of fortification of Aden was actually borne by His Majesty's Government. However, that is a small amount, and, generally speaking, it is true to say that, until 1900, the entire civil and military expenditure was borne by India. As early as 1886, the Government of India had been actively urging the propriety of part of the expenses of Aden being borne by His Majesty's Government on account of the Imperial importance of Aden. In 1895, as Honourable Members know, the Welby Commission was appointed to examine this and other matters. They recommended that possibly an equitable solution would be for His Majesty's Government to pay half of the military cost and, as a result of that recommendation, from 1901, His Majesty's Government contributed annually £72,000. I find at the time, when the Welby Commission reported, the actual military expenditure was  $21\frac{1}{2}$  lakhs per annum. I suppose £72,000 was fixed for the contribution as being something near half the cost. From that date the military expenditure in Aden rose very considerably and I find that in 1926-27 the actual cost of military expenditure borne by India was no less than  $47\frac{1}{2}$  lakhs. That was the position when the arrangement was made that His Majesty's Government should become responsible for the whole political and military expenditure of Aden. As from the 1st April, 1927, His Majesty's Government became responsible for the whole of that expenditure, but the arrangement was that the Government of India should contribute £250,000 a year for three years and then £150,000 a year or one-third of the actual cost whichever was the less. I think it is important to call attention to that past history because, owing to the fact that His Majesty's Government have taken over already a major part of the responsibility for Aden, the taxpayer in India is being saved a very substantial amount indeed. It is not merely a question of 10 or 15 lakhs, but actually in 1926-27 we were spending 47 lakhs a year on Aden. The position now is that we have reached the second stage of that arrangement and our contribution is, as I have just said, £150,000 a year or one-third of the cost whichever is the less. And, as my Honourable friend, who has just spoken, pointed out, we paid the full £150,000 in 1930-31. In 1931-32, we paid £136,000 odd and in 1932-33, we have paid just under £120,000. I interrupted my Honourable friend to point out that the last figure was not yet the final figure, but I have no reason to suppose that that figure will be substantially altered. So we may take it that our liability now is in the neighbourhood of £120,000, but it

might, at any time, rise to £150,000. That is our contribution to the military expenditure. The reduction which has been effected since 1930-31 has been brought about, as my Honourable friend pointed out, because His Majesty's Government are experimenting on a fairly large scale in the substitution of air force defence for land forces at Aden. Possibly they may reduce the expenditure still further, but we have no information on that point; and I think it is important that the House should bear in mind that our liability at present may go up to £150,000 in any one year. Then we have to consider what has to be set against that as regards the balance of the revenue and expenditure on the account of the civil Government for which we are at present responsible. My Honourable friend pointed out that in the year 1932-33 there actually was a small surplus on account of Aden, a surplus of about 2½ lakhs. But if we take a broader view of the situation and take the average figures for a period of years, for instance if I go back to the year 1927-28 and take the average figures for seven years including the budget estimates of the current year, I find that there is actually a small debit balance on the average of about Rs. 66,000 annually. I do not think we can take the surplus of 1932-33 as a reliable figure, because, at present, as Honourable Members know, we have imposed very severe cuts on expenditure and we were able in the case of Aden to make some special economies. I do not think we can count on being able to maintain that position. Therefore, if one tries to put a fair picture before this House I think the fairest thing to do is to say that as regards the civil expenditure we can count on revenue and expenditure about balancing. Honourable Members must remember that, if there was a regular surplus, we should certainly have very urgent claims from the Resident at Aden that that surplus should be expended for the benefit of Aden, and it would be very hard to resist those claims, because there are very urgent works which they have been pressing for several years. I do not think, therefore, that we can maintain the position better than an even balance. Therefore, so far we have got this. We save the military contribution which at present is about £120,000 a year and may amount to £150,000; and as regards the civil expenditure we hand over an even balance.

Now, Sir, my Honourable friend has referred to certain other items which he says are not included in the full statement that was provided in the Council of State. I find it rather difficult to follow exactly what my Honourable friend had in mind, but as soon as possible I will get a shorthand copy of his speech and verify what he has said. I do not think that any of the items to which he referred would in any case have appreciably affected the position, and I think that the statement which I have just given is really substantially correct. But there is one item to which he referred which I think one must put before this House. In calculating what is the revenue of Aden, we have included the annual income-tax receipts which come in under the heading of Aden. But, as my Honourable friend pointed out, there may be merchants who make their returns for income-tax in India and who include in those returns profits which might after separation become liable to income-tax in Aden; and in that case of course, under our provisions for double income-tax relief, we should have to lose part of that income-tax. It is quite impossible to give any reliable estimate as to what that figure might be; I do not think myself that it could be a very substantial figure.

[Sir George Schuster.]

I think my Honourable friend reckoned something like four lakhs under that head. I think that must be a very considerable over-estimate, but if Honourable Members wish to have an exact figure, then they must bear that possibility in mind. There may be some slight loss on our income-tax under that head. That, Sir, I think is the position as fully and fairly as can be put as regards revenue and expenditure. We shall save something like between 15 and 20 lakhs a year on the military contribution as against which we may lose a lakh or two under the head of income-tax in the manner which I have just explained.

Then, Sir, my Honourable friend, Dr. Ziauddin Ahmad, made on Saturday last the same point that has been made by the last speaker as to the value of the assets which have been or may be handed over ; and the feeling I suppose was that some sort of claim should be made against His Majesty's Government if they take over the whole administration of Aden. I have already rejected my Honourable friend's method of compound interest calculation and I have tried to find out exactly what the capital value of those assets might be. But I am afraid it is impossible at this stage of history to get back into the past and get an accurate figure. I would only just like to ask the House to consider what the various classes of assets are. There is first of all the harbour and the port. That belongs to the Port Trust. The Port Trust was set up in 1888, and as far as I can ascertain, when it was set up they took over the existing assets at a valuation and took over the liability on that account. Since then they have been entirely independent. They have been raising money on loans and they are responsible for those loans and there will be no change in the beneficial interest as regards the Port Trust as a result of this transfer. So that class of assets goes out ; the Government of India cannot make any claim under that head.

Then, as to the question of buildings, as regards Provincial Government buildings, we had, as a matter of fact, quite recently gone into that particular question when the administration of Aden was taken over by the Government of India from the Government of Bombay. A claim was made by the Government of Bombay and figures were gone into, and it was ascertained that the cost of the buildings amounted to something like nine lakhs, but we resisted that claim in the Government of India, because we said that we had already in other cases adopted the principle that when responsibility in administration in any sphere passes from one authority to another, the assets and liabilities connected with the ordinary administration should also pass free of payment. That is the sort of principle on which discussions as regards the separation of Burma, for example, have always been based, and I think perhaps my friends are inclined to take what is a misleading view of the situation in considering the possibility of making claims on account of assets of that kind. They are really part of the ordinary equipment of Government ; they have been provided out of revenue, and they have to be maintained out of revenue, but, ordinarily speaking, when an administration is handed over, it is not so much an asset as a liability, or at least one must take into account the fact that there is a liability as well, and we certainly have always taken the line in the Government of India that any claim based on account of the cost of buildings, which, as I say, are

only part of the ordinary equipment of administration, is a mistake. Rightly or wrongly, that has been our view. Therefore, we resisted the claim of the Bombay Government to that nine lakhs, and we have maintained that position.

Apart from provincial buildings, there are a few Central Government buildings—I have not got any details of their cost,—but their cost would be negligible.

Then of course, there is the question of military buildings, and here I must point out that when the control of the military administration was taken over by His Majesty's Government in 1927, all military buildings were transferred to His Majesty's Government, free of cost, on the basis of the principle which I have just explained,—the principle being, as I said, that they cannot be assessed at a commercial value, that they carry liabilities with them, and in this case of course the transfer of the military responsibility carried with it a very heavy liability which at the time of the transfer amounted to nearly 50 lakhs per annum. That, Sir, is the position as regards these liabilities.

There is only one other class of assets, and that is the Water Works, and there, according to the information which I have got, about three lakhs was spent on an aqueduct, and about 5½ lakhs was spent on water tanks. This expenditure was undertaken a very long time ago. The information which I am giving was taken from the Imperial Gazetteer of 1908, and apparently that expenditure was undertaken as a grant to the Municipal Committee.

That, Sir, I think, covers what we call all the assets which are to be taken over. I do not think that I have got anything further to add, but I can only say this, that if any other points are made, such as have been made just now by my friend from Bombay, we will most carefully check all statements that the Honourable Members make. If they want themselves to get the results of our investigations from checking these statements, I should be very pleased to forward them to them, and if we find that we have been wrong in our figures, we will certainly take that into account in considering the matter on behalf of the Government of India after this debate, and we will see that correct information is forwarded to His Majesty's Government.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Sir, I am thankful to the Government for giving us an opportunity of discussing this important question. I also recognise with appreciation the decision of the Government to observe an attitude of neutrality, and to confine the discussion only amongst non-official Members of this House. My friend, Mr. Anklesaria, in the course of his speech, said that he was looking for guidance and advice from Government. Sir, my friend is accustomed to look for guidance and advice from the occupants of the Treasury Benches, but those of us, who sit on this side of the House, claim to judge every question on its own merits, and come to a decision irrespective of what the views of the Government Members may be.

Sir, as Honourable Members are aware, Aden was captured in 1839 by Major Baillie, who was sent out on behalf of the Government of Bombay. Even before that time, Indians were in Aden under the Sultanate of Lehaj ; and, since the acquisition of Aden on behalf of the Government of India, it remained under the Government of Bombay, and all



[Mr. Gaya Prasad Singh.]

expenditure in connection with its administration was borne by Government. What was then, Sir, a mere barren rock at the time of its capture was converted, in course of time, by Indian labour, Indian capital and Indian industry into a flourishing port of first rate strategic and commercial importance, a first rate harbour and a distributing trade centre. Sir, the question of the transfer of Aden had been looming large on the horizon since the year 1921, if not before. On the 28th of February, 1921, the Prime Minister of England stated in the House of Commons, that the responsibility for administration and policy in Palestine, Mesopotamia and Aden was to be transferred to the Colonial Office; and then, later on, the Right Honourable Mr. Winston Churchill, speaking in the House of Commons on the 14th July, 1921, made the following statement. I shall read out only one paragraph from his statement, as giving an indication of the working of the mind of the Cabinet in England, and the motive which prompted them to arrive at this decision. This is what he said :

“ There is another possibility of a reduction of expenditure in Aden. The India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift ; ”

—please mark the words carefully—

“ the India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift has only been delayed by the financial negotiations because India has hitherto played a great part, and I certainly should not be serving the interests of the British taxpayer if I assumed the whole burden without any of the funds which are necessary to maintain a fortress of first consequence to India..... ”

**Dr. Ziauddin Ahmad :** Will you please read it out again, I mean the portion relating to the gift—it is a very important point.

**Mr. Gaya Prasad Singh :**

“ There is another possibility of a reduction of expenditure in Aden. The India Office has very kindly handed over Aden to the Colonial Office, and my acceptance of the gift has only been delayed by the financial negotiations because India has hitherto played a great part, and I certainly should not be serving the interests of the British taxpayer if I assumed the whole burden without any of the funds which are necessary to maintain a fortress of first consequence to India, but I hope for a happy solution. In fact, I think in a very few days we shall have reached an agreement and the moment that Aden is transferred to the Colonial Office, it will be possible to amalgamate the administration of Aden and Somaliland. Somaliland and Aden are really the most happy marriage that could be made. They are really necessary to one another. The high ground, five or six thousand feet high in Somaliland, will afford a Hill station to which the British soldiers in Aden under the most trying conditions all through summer could go company by company, in night's journey across the sea to Somaliland. You could not have a more harmonious minor proposition, and if this amalgamation be carried out in such a way as to effect perhaps, a saving of £200,000 to £300,000 a year in the reduction of military expenditure, it will repay the trouble which it takes to arrive at such a conclusion.”

This is what Mr. Winston Churchill said in the House of Commons on the 14th July, 1921.

Then, again, on the 26th September, 1921, the Honourable Sir Phiroze Sethna moved a Resolution in the other place which stated that the administration of Aden be continued under the Government of India and not be transferred to the Colonial Office. Speaking on that occasion, the Honourable Mr. Pratt, who was then, I believe, the official representative of the Government of Bombay in that House, stated as follows :

“ Mr. President, the transfer of Aden to the Colonial Office is a question in which the Government of Bombay is deeply and closely interested. Towards that question the attitude of the Bombay Government cannot under any circumstance be one of neutrality

and I have been authorised to give expression to the provisional views of the Bombay Government at this stage of the discussion of this question. Their position is that they have had very little notice and indeed very little time for the consideration of this question. They have had very little information as to the grounds on which the transfer is being considered. It is also a fact that public opinion both in Bombay and Aden has expressed itself very strongly against the proposed transfer. Very strong protests have been recorded by the trading communities of Bombay and Aden and for these reasons for the present the Government of Bombay objects to any change in the *status quo*."

In this connection I should like to remind my Honourable friend, the Nominated Member from the North-West Frontier Province, who claimed to speak on behalf of the Arab population of Aden and said that the Arabs in Aden did not object to this transfer, of what the Honourable Sir Muhammad Shafi said on behalf of the Government of India. He admitted in so many words that the people of India as well as the Arab people in Aden were opposed to the proposed transfer.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Sir Muhammad Shafi said :

"I can assure the House that the Government of India will take note of the opinions expressed in this House by various members representing different interests. They will note the fact that Indian sentiment according to the various speakers is entirely opposed to this transfer. They will also take note of the fact, which has been positively stated by the Honourable Mr. Sethna and is endorsed by the Bombay Government that local opinion in Aden as well as in Bombay is also opposed to the transfer."

Then, Sir, on the 3rd March, 1927, His Excellency the Commander-in-Chief made an astounding statement on the floor of this House in which he stated that the political and military control of Aden had been definitely transferred to His Majesty's Government in England. That statement took our breath away, because we were not prepared for this transfer without an opportunity being given to this House to express our views. However that may be, the Commander-in-Chief at that time stated as follows :

"As Honourable Members are aware, the settlement of Aden itself is peopled to a very great extent by our fellow Indian subjects. The Government of India have thought it right that their welfare and interests should not go outside the ken of the Government of India. It will accordingly be retained as part of the settlement and the municipality of Aden will remain under the Government of India."

It will be observed that throughout these transactions the Bombay Government were not consulted in the matter. Even if they had been consulted, their opinion was ignored. Sir, there was a discussion on this question in the Bombay Legislative Council on the 10th March, 1927, on the Aden Civil and Criminal Justice Bill, and, on that occasion, the then Home Member stated as follows :

"Since the Bill was introduced the situation has been materially changed by the announcement made by His Excellency the Commander in Chief at Delhi that the question of the future arrangements for the administration of Aden has been settled by agreement between the Government of India and His Majesty's Government."

This clearly indicates that the transaction took place over the head of the Bombay Government, and they were not consulted in the matter at all. He added :

"That announcement came as a surprise to the Government of Bombay as much as to the general public. I am obliged to stress this point because during the discussion on the Bill both I and my Honourable friend the Chief Secretary assured several

[Mr. Gaya Prasad Singh.]

Honourable Members that we had no reason to suppose that a decision was imminent, and indeed pointed to the fact that the Government of India had instructed us to proceed with this Bill as evidence that no immediate change was probable. The details of the future system of administration of Aden are not yet known to the Government of Bombay which indeed knows no further than what has appeared in the press."

Reference has been made to the statement of Sir Denys Bray in this House in January, 1929, in the course of which he said :

" I repeat my promise that the transfer of Aden from India will not be effected without this House being taken into consultation. I hasten to add that all idea of such a transfer has long since been abandoned."

A representative deputation led by Sir Chunilal Mehta waited on his Excellency the Viceroy on the 30th November, 1931, with a view to laying before His Excellency the feelings of the people, and to bring to his notice their strong opposition to the contemplated step. Turning now to the proposals contained in the White Paper, I find that on page 39, clause 5, the following statement occurs :

" The settlement of Aden is at present the Chief Commissioner's province. The future arrangements for the settlement are however under consideration and accordingly no proposals in respect of it are included in this document."

There also very surreptitiously the proposal of transferring the civil administration of Aden for the first time found a place in a corner of the White Paper. This resulted in an influential deputation led by His Highness the Agha Khan to wait upon Sir Samuel Hoare, the Secretary of State. That was on the 30th May, 1933. Sir Samuel Hoare, in course of his reply, referred to the difficulty of including Aden in the Federation which consisted of provinces. At the same time, he added that the difficulty was not insurmountable.

I will now refer very briefly to the Press Communiqué which was issued by the Government of India on the 20th June last. The reasons given for the contemplated step are many, and the first reason given is that Aden is geographically remote from India.

Now, Sir, with regard to a question which I asked my Honourable friend, the Foreign Secretary, a few days back, I said that Government must have taken notice of the obvious geographical fact that Aden was far nearer to India than it is to England. The Andamans and the Nicobar Islands are also at some distance from India, and is that any reason why those two Islands may also be taken away from our control ? Do I understand, that the proposed transfer of Burma from India is contemplated, because of the geographical position of the two countries ? Burma is far nearer to India than she is to England. Why then His Majesty's Government have seriously proposed the separation of Burma from India ? India herself is very far away from England. Is that any reason why England should relax her hold on India and allow us to govern ourselves ? Or is it their contention that India has been managed very badly all these years, because she is so far away from England ? This plea of geographical remoteness will not hold water for a minute. The next ground on which this proposal is sought to be given effect to is that Aden would not naturally fit in with the plan of Federation. Sir, if different Indian States, in their different processes of administrative and political evolution, can come into the picture of Federation, I do not understand why Aden should be singled out as not fitting in with the scheme of

Federation in the future Government. It is also stated that Aden is already to some extent under the Imperial control, and so we should not object to the transfer of the civil control of the Settlement. This step was taken in the midst of the Great War, and only as a temporary measure. And, now, we are to be deprived of the remnant of control over the civil administration of Aden which we were having all these years. Some of us recognised at that very time that the partial transfer of the control of Aden to the British Government was only the thin end of the wedge; and it has now come to be true. It is stated in the communiqué that India would be relieved of the annual contribution of approximately 20 lakhs at present payable towards the military and political administration. Sir, I am thankful to the Honourable the Finance Member for having given us a full account of the financial position of Aden, and its implications in the consideration of the question. I do not want to speak with regard to that point, but I would like to say very clearly that in this calculation the income which the Government of India has been deriving from salt duty, income-tax and super-tax has also to be taken into account. I am speaking subject to correction by the Honourable the Finance Member that the revenue which is being derived by India from these and other sources amounts to something like 10 lakhs of rupees. If this is so, then out of 20 lakhs we shall be losing 10 lakhs of revenues if the civil administration of Aden is taken out of our control.

**The Honourable Sir George Schuster :** I think my Honourable friend is definitely incorrect. We have included in the revenue statement all the income-tax receipts from Aden. As I explained, there is only one small marginal receipt from income-tax we might lose, that is to say, to the extent we now get income-tax from business men assessed in India in respect of profits made in Aden. To that extent we may find that we lose a little income-tax, but it will be quite a small sum.

**Mr. Gaya Prasad Singh :** I am glad to stand corrected. However that may be, this 20 lakhs is not much when considering the position of Aden with regard to the future constitution of India, as it is regarded as the Gibraltar of the East.

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) :** It is not 20 lakhs ; it is 15 lakhs.

**The Honourable Sir George Schuster :** It is about 16 lakhs this year.

**Mr. Gaya Prasad Singh :** However that may be, is it the contention of the Government that every administration which has a deficit budget, or which is being carried on at the expense of the Government of India should form no part of our territory ? For instance, the North-West Frontier Province is a deficit province, and it has been swallowing about a crore of rupees every year. Will that be the reason for taking it away from India and putting it under the Colonial Government ? Sind is also going to be a deficit province, and so I think Orissa for some years. But that is no reason for taking away those portions of our territory and annexing them to the Colonial Office. The same is the case with the Andamans. Will His Majesty's Government give back all the money we have spent in Aden for nearly a century ?

Now, Sir, it is stated that the right of appeal in judicial cases to the Bombay High Court would be maintained. Is that a very great concession ? If the right of appeal to the Bombay High Court is not retained, what will be the result ? The right of appeal will go to His Majesty's

[Mr. Gaya Prasad Singh.]

Government in England which is over 6,000 miles away from India, and a long way off from Aden. So, in their own interests and, in the interest of the public of Aden, it is but natural that the right of appeal should be retained by the Bombay High Court. It is also stated that His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. Sir, in the first place, there is no unequivocal guarantee that Aden will continue for all time to be retained as a free port. It is qualified by the statement that if some radical change in the present economic situation should take place, Aden will cease to be a free port. Radical change in the present economic situation of the country or in the world economic condition is not a very remote possibility. It might take place in the near future. When that contingency happens, Aden will cease to be a free port. What has happened to the other free ports in that area which Government claimed to retain as free ports? Somaliland, near Aden, was at one time a part of India, and it was administered by the Bombay Government. So long as it was administered by the Bombay Government, its three ports, namely, Barbara, Bulhar, and Zaila were prosperous, and were flourishing ports of trade. But when Somaliland was transferred to the Colonial Office, they ceased to be flourishing ports. As a matter of fact, duties began to be imposed to meet the increased cost of administration, and they ceased to be free ports thereafter. The Indian, the Arab and the Jewish traders in course of time left those ports, and they have now become desolate places. This, I am afraid, will be the fate of Aden if such a contingency happens.

It is further stated in the communiqué that His Majesty's Government would do their utmost to maintain the present standard of administration, and would not impose any additional taxation unless such a course became in their opinion absolutely necessary. Sir, this stipulation is not worth the paper on which it is printed. We know the condition of our countrymen under the Colonial Office. We know how Indians are being treated in South Africa, in Kenya, in Fiji, in Mauritius and in so many other places overseas in spite of the assurances of the Government. Myself, as well as other Honourable Members, have been responsible for bringing to the notice of this House the conditions of our fellow countrymen overseas from time to time, and the racial and other kinds of discrimination which has been imposed upon them in the exercise of their political as well as economic rights in the colonies in which they have settled. I do not pin much faith in the assurance that the imposition of any additional taxation will not be undertaken unless such a course became absolutely necessary. I take it, whenever additional taxation is imposed, it is assumed that such a course is necessary, so the value of this stipulation is nothing. Only tomorrow fresh taxation might be imposed upon Aden, and it may be pleaded in justification that such a course was necessary. It is again stated in the communiqué that the proportion of Indian service administrative personnel would be retained in Aden for some years after the transfer takes place. It is to be noted that it is only a proportion of the Indian service administrative personnel and not the whole personnel which will be retained, and that also for some years only after which the Indian personnel will very likely be eliminated altogether from the service in the Aden administration.

Now, the last point which has been urged in the communiqué is that no racial discrimination or segregation would be permitted by His Majesty's Government. We know the value of such promises with regard to the fate of our countrymen overseas. The history of British India is strewn broadcast with fragments of broken promises and unredeemed pledges ; and this is likely to be the inevitable fate of our fellow countrymen in Aden if it is snatched away from India and transferred to the control of the Colonial Office. This proposal has evoked unprecedented opposition from all quarters both amongst the people in India and in Aden. The other day, we read that a meeting was held in Calcutta presided over by Sir P. C. Ray recording the protest of the citizens of Calcutta against the proposed transfer. I also received a telegram from Mr. A. K. Aziz, Secretary, Muslim Chamber of Commerce, Calcutta, which states :

“ The Muslim Chamber of Commerce, Calcutta, strongly protest against the separation of Aden from the Indian Government as it will be greatly detrimental to commercial interests of India in which the Bengali's share is quite important.”

The Imperial Indian Citizenship Association, Bombay, the Indian Merchants' Chamber, the Buyers and Shippers Chamber, Karachi, the Indian Chamber of Commerce, Calcutta, have all protested against the proposed transfer. A public meeting was held in Aden on the 16th April last which was attended by the Arab and the Indian citizens of Aden in which resolutions of protest were passed. A representation has been addressed to the Chief Commissioner, Aden, and His Excellency the Commander-in-Chief by 500 Arab residents in Aden protesting against the proposed transfer. The Jewish residents of Aden, in a meeting held there on the 25th May last, have similarly protested. It will, therefore, be seen that all the communities and interests concerned, whether in India or in Aden, are united in offering their vehement protest against the proposed transfer.

Sir, with regard to the amendments that are under discussion, there is one amendment of my Honourable friend, Mr. Bhuput Sing. Personally I would have thought that it was the best amendment, inasmuch as it not only records our protest against the contemplated transfer, but also demands retransfer of the political and military control which has already passed into the hands of the Colonial Office. The other amendment is that of my Honourable friend, Dr. Ziauddin Ahmad, which limits itself to a condemnation of the military and political control of Aden passing out of our hands, and protests against the contemplated step of transferring the civil control to the Colonial Government. I think, as he has himself suggested that my Honourable friend, Mr. Bhuput Sing, will not press his motion ; and we should concentrate our attention upon the amendment of Dr. Ziauddin Ahmad and pass it unanimously without any dissentient voice. (Cheers.)

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, for the last two days, I have been ill and I feel very weak now, but the great importance which this question of transfer of Aden has assumed in the country has compelled me to come to this House for a few minutes and say a few words on this question. The few words that I will say would mean a great deal. I would confine myself only to the great feeling that is prevailing in the country on this question. A growing suspicion has arisen in the minds of both Indians, of all creeds and castes, as well as Adenese of all creeds, Muslim, Jew, Christian,

[Maulvi Muhammad Shafee Daoodi.]

etc., that the transfer of Aden to the Colonial Office would mean a decline of all those relations which have developed between India and Aden during the last so many years while it had been under the control of India. Since this question has been actively discussed in the country, the evidence has been so great that I would only be surprised if the Government ignore them and have their own way of dealing with this question. I have correspondence with so many people both in Aden as well as in India that I can undoubtedly say that the feeling is genuine, it is by no means engineered. The feeling is that the conditions of Indians as well as the Adenese will be much worse when they go to the Colonial Office. The feeling has gained ground and I do not believe any amount of argument on the part of British Government could remove those feelings from their minds. If a genuine man could give any advice to the Government on this question, it will be not to disturb the minds of Indians and Adenese at such a moment on such a vital question. They should remember that it is sentiment which plays a great part in such questions rather than financial considerations which the Honourable the Finance Member has chosen to put before the House. On the question of finance, many Honourable Members who are of better health than I am will be able to reply, but I know there is very little in that question. I, therefore, lend by wholehearted support to this question.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I had given notice of an amendment which I cannot move, because the time prescribed for it is past, but, with your permission, I shall refer to it as part of my speech. My amendment reads as follows :

“ That for the original motion the following be substituted :

“ This Assembly, after duly considering the Government of India Press Communiqué of June 20th, 1933, resolves and recommends that Indian interests as well as indigenous Arab interests should be sacrificed, and that the Civil Administration of Aden should be transferred to the Colonial Office with a view to safeguarding and promoting Imperial interests ”.

(Laughter and Cheers.)

Sir, there are two Members of this House who are specially qualified to speak on this subject. One is my Honourable friend, Nawab Ahmad Nawaz Khan who hails from the North-West Frontier Province, and the other, I venture to suggest, is myself representing the North-East Frontier Province of Burma. I am in agreement with the Honourable Nawab that Honourable Members who hail from Bombay and Madras and who lead lives of, I think the Honourable Member said, licentious ease (Laughter), can never realise the difficulties of frontier people. The Nawab's province, Sir, stands between India on the one side and Afghanistan and Russia on the other side ; similarly my province stands between India on the one side and China and Japan on the other side. And we have cultivated a mentality which can think in Imperial terms, whereas my

Honourable friends sitting on the Opposition Benches can think only in parochial terms. (Laughter.) We, Sir, the Honourable Nawab and myself, are capable of rising above parochial thoughts and, on this occasion, we have done so.

Sir, the communiqué of the 20th of June, 1933, issued by His Majesty's Government, I think, has, in a great many parts, been misunderstood by the Opposition Benches and more particularly by my Honourable friend, Mr. Gaya Prasad Singh. In that communiqué he has read a number of pledges. I think he is doing injustice to His Majesty's Government. In that communiqué, Sir, I read no pledges. I think it is a very honest communiqué, which gives plain warnings (Laughter and Cheers), and I shall now try to convince my Honourable friends sitting on the Opposition Benches that it is so. Amongst the various reasons given in that communiqué for the transfer of the Civil Administration of Aden to the Colonial Office, the first reason is that "Aden is an area geographically remote from India". I think, Sir, nobody can quarrel with that proposition. Aden is certainly geographically remote from India. It has taken His Majesty's Government more than a century to discover this profound truth (Laughter and Cheers), but, having discovered it, surely it is their duty to place the truth before the country. They have done so and I really fail to see what grievance this House can have about it. The second reason given in the Communiqué is that "the Aden Protectorate has already passed wholly out of Indian control". This reason, Sir, if properly elaborated, should read as follows: "the Aden Protectorate has already passed wholly out of Indian control *by an act of God*". The Aden Protectorate was taken out of Indian control without our consent, and, therefore, I think it should be treated as *an act of God*. (Laughter.) In that Communiqué, Sir, His Majesty's Government contemplate that certain conditions will be established as a result of the transfer of Aden to the Colonial Office. First of all, a reference is made to the financial relief which will be afforded to India. Whether the annual saving to India will be 20 lakhs or only 16 lakhs, as my Honourable friend, Sir Cowasji Jehangir, insisted this morning, it will be a substantial relief. Now, Sir, when His Majesty's Government shows so much solicitude for the welfare of the people of India and when they desire to save annually for the Indian taxpayer 16 lakhs of rupees, should the Opposition Benches in this House condemn it or praise it? (Laughter.) The Opposition Benches may rightly or wrongly accuse His Majesty's Government and the Government of India of having misspent or wasted large sums of Indian money in the past. It may or may not be so; but that His Majesty's Government have developed a different mentality and are very anxious to see that not a single penny of the Indian taxpayers' money is wasted, so far as Aden is concerned, I think it is a change of policy which should be welcomed by the Opposition Benches. (Laughter.)

Then, Sir, coming to the third condition, His Majesty's Government, I think, have made it clear that radical changes in the economic situation are taking place and further radical changes will undoubtedly take place in the near future; and, therefore, they give a warning,—they give no pledge but a warning, and a very honest warning,—that, as a result of radical changes in the economic situation, which are bound to take place, the existing policy of keeping Aden a free port cannot be maintained.



**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : May I know if my Honourable friend is a nominated Member ?

**Mr. Jehangir K. Munshi** : No, Sir, I am an elected Member, but there are occasions when elected Members should think in Imperialistic terms. (Laughter.) Furthermore, Sir, there is no bar to an elected Member indulging in satire or sarcasm. (Cheers.)

Then, Sir, coming to the fourth condition, His Majesty's Government have sounded another warning that it will be necessary for them to impose additional taxation on the people of Aden. His Majesty's Government are perfectly honest. They say that they will impose additional taxation and they give us ample warning about it.

The fifth condition is that the present Indian Service Administrative personnel cannot be retained in future and that it will be abolished as quickly as possible.

The sixth condition is that "no racial legislation or segregation would be permitted by His Majesty's Government"—what they mean is that "no racial legislation or segregation would be *willingly* permitted by His Majesty's Government". If they are unwillingly forced to permit racial legislation or segregation, that cannot be helped. Now, take the case of South Africa. His Majesty's Government are not willingly permitting racial legislation or segregation in South Africa, but *unwillingly* they are forced to permit it, and, in the case of Aden also, they sound a warning, a very honest warning, that they will not be a *willing* party to any racial legislation or segregation, but if that course of action is forced on them, they will have to permit it *unwillingly*. So far as this particular communiqué is concerned, I think it is one of the most honest communiqués ever issued by any Government Department. (Laughter.)

Now, Sir, to my Honourable friends sitting on the Opposition Benches who think in terms of the parish pump (Laughter), I commend a memorable passage from the speech of my Honourable friend, Mr. Anklesaria, who preached a novel doctrine of patriotism ; and I apprehend that certain Honourable Members have missed the full significance of that doctrine. Mr. Anklesaria said that if he was convinced that the transfer of Aden to the Colonial Office was necessary in Imperial interests, if he was convinced that it was necessary in Imperial interests to hand over Aden to the Colonial Office or to the Foreign Office at the sacrifice of Indian interests, he would be prepared to support that action. He went further and exclaimed : "Is there any Member in this House lacking in Empire patriotism ?" There is no such thing as Indian patriotism according to my Honourable friend, Mr. Anklesaria. His doctrine of patriotism places the Empire first and India last. (Laughter.) Now, Sir, let us translate Mr. Anklesaria's doctrine of patriotism and apply it to our Honourable friend, Mr. James. If Mr. James was called upon to give up England to Germany so that the rest of the Empire may prosper, will Mr. James or any Member of the European Group in this House agree to part with England to Germany so that the rest of the Empire may prosper ? . . .

**Mr. F. E. James** (Madras : European) : No, certainly not.

**Mr. Jehangir K. Munshi :** This is disappointing. I felt that Mr. James and Mr. Anklesaria always thought alike on Imperial questions. (Laughter.)

**Mr. F. E. James :** Not after lunch.

**Mr. Jehangir K. Munshi :** Since my Honourable friend, Mr. James, does not agree with Mr. Anklesaria, may I express the hope, a hope which is entertained by the overwhelming majority of the Members of this House, that he will take part in this debate and tell us what views the European Group holds with regard to the contemplated transfer of the Civil Administration of Aden to the Colonial Office. I think Europeans in this country are as much interested in Aden as Indians, and it is only right and fair that their able spokesman should proclaim their policy in this House. (Applause.)

Now, Sir, it has been urged by the Opposition that Aden has been built up by Indian enterprise and Indian capital, and that the Indian taxpayer's money has also been spent by the Government of India to build up a large and prosperous port from a barren rock. But following the line of argument which I have taken up, and in which I have the support of my Honourable friend, Major Ahmad Nawaz Khan (Laughter), that is no reason whatever why the British Empire should not have the benefit of something which India has built up, even though such benefit be at the sacrifice of Indian interests. (Laughter.) Moreover, how is it possible for India to have an increasing measure of control over Aden which is an important strategic link in the chain of the Empire route? I, therefore, feel, Sir, that the arguments which have been advanced against the transfer of Aden to the Colonial Office are all of a parochial nature, and if my friends on the Opposition Benches try to think seriously and take a broadminded view, they will come to the conclusion, that although, at the first blush, His Majesty's Government's action may seem to be wholly indefensible on any grounds, and particularly indefensible on moral grounds (Laughter), still on grounds of high Imperial morality, this is the only step possible for His Majesty's Government. Sir, it seems to me that Aden is already lost to India and that this debate is of purely academic value. (Applause.)

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Mr. Deputy President, after a debate on this motion for a day and a half on the floor of this House, after the debate in the Council of State, and after the very exhaustive review of my friend, Mr. Jadhav, the *Ex-Minister* from Bombay, and the flood of literature which has been brought to bear upon the discussion by my friend, Mr. Gaya Prasad Singh, and the biting sarcasm of the last speaker which has enlivened this debate, ordinarily I would have considered that enough has been already said and that I should not take part in the debate, but the intense feeling which His Majesty's Government's proposals have created in this country, which is as profound as it is intense, has compelled me to say a few words. Furthermore, Sir, this morning, the Finance Member was pleased to make one or two remarks about which I am a little disturbed. Sir, a few months ago, we were discussing a similar question, and that question was with regard to the separation of Burma. This morning when the Honourable the Finance Member said that there were certain principles which guided us for assessing the assets and liabilities of Aden, I thought that we were guided

[Mr. B. Sitaramaraju.]

today on this motion by a different set of principles from this which we had followed in regard to the separation of Burma. Sir, with regard to the question of Burma, Honourable Members are aware that the Standing Finance Committee was asked to go into the question of the settlement of accounts, I mean into the assets and liabilities both of this country as well as of Burma, and the whole question of financial obligations involved was to be taken into consideration. But, Sir, we find today that the methods of approach for a proper assessment of the assets and financial liabilities involved are not the same. However, when I refer to the financial aspect on this motion, I should like to say a few words.

Turning now to the question of the Settlement of Aden, one thing cannot be gainsaid, that this Settlement had been won by Indian arms, that it had been developed by Indian labour, that it had been maintained by Indian enterprise, and that it had been sustained by Indian money. That cannot be gainsaid. All that was not the work of His Majesty's Government. A barren rock across the bay was not converted into a prosperous Settlement in a day. It was the work of nearly a century attended with grave risks—and that was the work of Indians in this country. Sir, for what end was all that done? Was it done merely for the purpose of providing a link in the Imperial chain of aggression? No, Sir. The cautious Indian merchant, in his affluence, the groaning tax-payer of India, in his poverty, would not have contributed but for the assurances given by the then Government that Aden would ever remain a part of the Indian Empire. This question of separation of Aden from India was not a question of yesterday or today. It has been a live question from the day when popular control was sought to be introduced into the Legislatures of this country. When the reforms of 1919 were introduced, it was contemplated that Bombay should be deprived of Aden, because, under the Constitution, the Provincial Governments would have an admixture of popular element. But the actual transfer was only made after the report of the Simon Commission when it was found that provincial autonomy was at any rate inevitable under the Constitution. The transfer from Bombay to Delhi was made in the teeth of opposition of the Bombay people and the rest of the country. It was openly said by the public of this country that this was only a step in aid to take it ultimately under the control of the Imperial Government. We were then assured that it was not so. But today we find that that apprehension was not misplaced. His Majesty's Government would have us believe that we should have trust in them. I would like to ask why that trust should be on our side alone? Why do not they extend the charity of their confidence a little to us when they expect some trust from us? They were always speaking of self-determination. Only a few hours ago, Mr. Jadhav referred to it. When they wanted to separate Burma, they impressed upon us the virtues of self-determination. Where is that self-determination now? Do they propose to give self-determination to the people of Aden? The Arabs, the Jews, the Somalis and the Indians, one and all have been repeatedly protesting against the transfer of Aden to the Colonial Office. Why is there no self-determination for them now? When it suits their purpose, the Government talk of self-determination. If it does not suit them, they hunt for excuses and reasons. What is the most formidable reason that they advance today for transfer of this possession?

As a bait to us, as an inducement to us, for favourable consideration of their proposal, they say that it will relieve a portion of the burden upon the taxpayer of this country, because, by the transfer of this settlement, we will be saved so much money under military expenditure. May I respectfully ask, did His Majesty's Government think that there was such a person as a taxpayer in this country whose burden had got to be relieved when crores and crores of rupees were being spent upon, what is called, the military expenditure in this country, an expenditure which is out of all proportion to the actual requirements of this country, and certainly out of all proportion to the capacity of this country to bear? Where was this taxpayer then? Why did they not think of the taxpayer's burden? Why are they thinking of a few lakhs now? The reason is not far to seek. A few years ago, Mr. Wedgwood Benn, *ex-Secretary of State*, admitted that the military expenditure that we had been incurring, and had been found charged upon the revenues of this country for the purpose of keeping a big army of this country, might be, to some extent, a legitimate charge upon the Imperial revenues. He wanted to give an assurance that the whole question would be examined, and that only such portion as India could legitimately bear would be apportioned to her. A tribunal was constituted for that purpose; but we do not know what the award of that tribunal was. But if an impartial judgment is given by that tribunal, there can be no doubt that much of this expenditure, whether it is incurred at Peshawar or whether it is incurred at Aden, would be a legitimate charge upon His Majesty's Government rather than upon the taxpayer of this country. Therefore, it is a bit complicated to bring in the question of the Imperial aspect of the defence of Aden into the profit and loss account of this possession. However, when we come to discuss the financial aspect of the question, we can give it due consideration. This morning, Sir George Schuster was pleased to state that up till 1900, the entire cost of the civil and military administration of Aden was borne by India. The fact is admitted that so far as the civil expenditure is concerned, that civil expenditure has been more or less evenly balanced. Assuming for the moment that the figures for 1933-34 which would show even a favourable balance to us should not be taken into account, taking the average which was given by the Finance Member for the last seven years, even then, it would show that it is evenly balanced. Therefore, the civil expenditure need not trouble us. The question, then, is the question of military expenditure. When we consider it, we have to consider the purpose for which the Settlement was founded. Honourable Members are fully aware of the fact that Aden is just across the Bay. Without India there is no Aden, and there can never be an Aden. That Aden is very vital to the defence of India, cannot be gainsaid. Whatever may be its position, whatever may be its importance for the purpose of protection of the trade routes passing that way, it cannot be gainsaid for a moment that its position is such that it is mainly essential for the defence of India. Then, why should we be deprived of that possession, and why should we be told that we need not pay or incur any expenditure in that behalf. When it is so essential for the Defence of India, it is our right to possess that defence post, and it is our duty to incur expenditure on that account. And we are prepared to do that. If it is not the concern of India, and if it is not an essential part of our defence, may I ask, what right had they to spend all these years the taxpayer's money for a purpose which was not India's? Even according to Sir George

[Mr. B. Sitaramaraju.]

Schuster, several lakhs of rupees have been spent every year on military expenses and the figure was Rs. 47½ crores one year.

**The Honourable Sir George Schuster :** As my Honourable friend is mentioning my name, I must ask him to speak up. I have not heard even five words of what he has said so far in his speech.

**Mr. B. Sitaramaraju :** I was stating, Mr. Deputy President, that according to the figures which were given by Sir George Schuster, the expenditure that was incurred for military purposes at Aden was sometimes even as much as Rs. 47½ crores.

**The Honourable Sir George Schuster :** I never used a figure of that kind.

**Mr. B. Sitaramaraju :** Then my note is incorrect, because I have got here Rs. 47½ lakhs.

**The Honourable Sir George Schuster :** Lakhs, yes, and not crores.

**Mr. B. Sitaramaraju :** I made a mistake, I meant lakhs ; it is Rs. 47½ lakhs.

**The Honourable Sir George Schuster :** That was the figure in 1926-27.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : For these years it will be crores.

**Mr. B. Sitaramaraju :** Since 1839, from 16 lakhs of rupees to the peak figure of Rs. 47½ lakhs can be said to be the expenditure that had been incurred for the purpose of military control there.

**The Honourable Sir George Schuster :** That was not expenditure in 1839. The expenditure in 1839 was a mere fraction of that.

**Mr. B. Sitaramaraju :** I am afraid I am misunderstood. What I am saying is this, that from 1839, up to the present moment, whatever may be the variations, the figures range from Rs. 16 lakhs to Rs. 47½ lakhs at the highest.

**The Honourable Sir George Schuster :** No.

**Mr. B. Sitaramaraju :** Was it ever less than Rs. 15 lakhs ?

**The Honourable Sir George Schuster :** I have no information as to what the expenditure in 1839 was. The expenditure in 1900 was about Rs. 20 lakhs a year.

**Sir Cowasji Jehangir :** Was it not in one year something like Rs. 60 lakhs also ?

**The Honourable Sir George Schuster :** I have already said to my Honourable friend that in 1926-27 the net cost to India was about Rs. 47½ lakhs. Therefore, as His Majesty's Government was paying £72,000, the total cost must have been very nearly Rs. 60 lakhs.

**Mr. B. Sitaramaraju :** There is a little difficulty about these figures. 3 P.M. Mr. Jadhav gave certain figures which were not admitted by the Honourable Sir George Schuster, who, in his turn, gave some figures. I have a third set of figures with me. To reconcile them is rather difficult. The difficulty is due to the fact that we have not gone fully into these figures in any Committee. But nobody

can dispute that large sums of money have been spent on the military expenditure at Aden. If the total amount is to be taken, assuming that we are not to calculate compound interest, it would go to several crores. If the control of the Settlement is going to be taken over, what right has England to ask us to bear this money which was spent? If they want to take it away, they must refund every single pie that had been spent by the taxpayer of this country. We are not claiming compound interest or even simple interest. We simply claim that the money that had been taken from the exchequer of this country should be refunded to us. I venture to submit that the assets which have been taken from this country should be assessed on the same principle that had been followed in the case of the separation of Burma.

**The Honourable Sir George Schuster :** The Honourable Member refers to the separation of Burma. When I addressed the House this morning, I pointed out that, as regards Aden, we have followed exactly the same principle, which has been proposed in connection with the separation of Burma, that is to say, when the military and political administration was taken over, the buildings which were part of the normal equipment of the Government were transferred without any charge. That is the principle which is being suggested as regards Burma.

**Mr. B. Sitaramaraju :** I heard this morning Sir George Schuster to say that they made a free gift of the barracks and other buildings to His Majesty's Government.

**The Honourable Sir George Schuster :** What I stated was that when His Majesty's Government took over the responsibility for the military and political administration of Aden with all the cost that that involved, the buildings necessary for carrying out such functions were transferred. But what we transferred to His Majesty's Government was not an asset, but a very heavy liability.

**Mr. B. Sitaramaraju :** There is one other aspect of the question. Unless we have a proper profit and loss account, we cannot properly consider the financial obligations really involved.

I now come to the civil administration of Aden. I for one consider that the question of the civil administration is not so important as the military control. Important as it may appear to a few merchants in Bombay, I think the question does not assume the same proportion as the military control does. Without the military control, the possession is not of much use to this country. It is essential that for the defence of this country such an important outpost, which is so vital to us, should be with us. It may be that that post also protects the trade routes of other colonies, in which case we are entitled to get a fair contribution from those who get the benefit of this port. So I venture to submit that the military control and the civil administration are inseparable and, so far as we are concerned, we are not going to accept anything short of that. The argument advanced for transfer is that Aden will not fit into the Federation that we are going to have. The reason advanced about its geographical position has been already dealt with by other speakers. The Secretary of State has said that Aden does not form a province and, therefore, it will be a misfit in the Federation. If Aden does not form a province or a part of the province, whose fault is that? It was till lately a part of the Bombay Presidency. It was deliberately transferred from the province of Bombay to Delhi. We

[Mr. B. Sitaramaraju.]

were not parties to it. We protested against it. It is the Government that brought about this situation by separating it from Bombay and, having brought that about, they find fault with it. It is not fair. With all these autocratic Princes coming into the Federation, I do not know if the Federation is going to be a proper fit, but if Aden, being a non-provincial unit, is a misfit in the Federation, the remedy is to restore Aden to the province of Bombay from which it has been taken. I am glad to note from the reply that the Secretary of State has given that the difficulty about Aden was not insurmountable. I do hope that the obstacle will soon be surmounted. One thing more and I have done. It is said that Aden is so far away and remote from India. Why, in that case, I ask, should it be linked with the judicial administration of Bombay still? That would go to show that the connection of Aden could not be separated altogether from Bombay, however much they may want it. Further, it will not pay them to do so. With these few remarks, I venture to submit that it is the unanimous opinion not only of this House, but of the whole country that the administration of Aden, civil and military, should never be separated from India with which it has been connected so far.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I had given notice of a motion which I do not propose to move, but which I certainly proposed to place on record, after hearing the speech of the previous speaker :

“ This Assembly, after duly considering the Government of India Press Communiqué of June 20th, 1933, submits that whilst no longer objecting to the transfer to Imperial control of the political and military administration of Aden, as it exists at present, it is definitely of opinion that its civil administration be continued with the Government of India or, if thought necessary, to be retransferred to the Government of Bombay, but that such civil administration not be transferred to the Colonial Office.”

Sir, I personally am not very much charmed by the motion of my Honourable friend, Dr. Ziauddin Ahmad, which begins by saying :

“ While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement, etc.”

But if I propose to support it, it is because it is a compromise between Mr. Bhuput Singh's motion which wants the re-transfer to India of the military and political control and the motion that was moved in the Council of State which I wanted to be repeated in this House. Therefore, as an agreed proposition, I hope that it will be put to vote and carried unanimously. If I do not record my emphatic protest against the transfer of military control and political control of Aden to Great Britain, it is because I do not believe in doing things too late. Six years ago, this transfer took place. This Assembly has been in existence for the last six years and it wakes up today. Six years ago, the matter came up for discussion. We have been quoting the reply of Sir Denys Bray and criticising that reply today and reading meanings into it which are not accepted by the Government. This Assembly, which is competent and has been clever and sometimes even clumsy in making motions for adjournment on matters of great or trivial importance, could certainly have moved all these six years or, after the accomplishment of the transfer, an adjournment motion of protest. Not having moved it, I do not personally like to protest : I like to bow to the inevitable. We, with open eyes, missed our opportunities. We have shown silence of which we have not been generally capable on matters on which we felt deeply. Having acquiesced in the transfer of military and

political control, I personally am willing to bow to the inevitable. What I would not agree to is the transfer of civil control and I shall tell you why. The civil control is necessary for our trade purposes. Aden is an important factor in the promotion of India's trade. It is also necessary from a sentimental—Indian as well as British—and a military point of view. Sir, I believe in British connection ; I believe in Dominion Status : I tore away from a national organisation when it was committed to a policy of independence.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official) : Suppose there is a dispute between the civil and the military administration, what would my friend suggest ?

**Mr. C. S. Ranga Iyer** : I am coming to that. Sir, I tore away from an important political organisation when it declared war on British connection. If I say that Aden should be under India's civil control, it is because Aden is under England's military control. My gallant friend over there, who is always anxious to know the connection between civil and military matters, can be easily answered. When there are emergencies and crises, naturally the military control dominates the civil control. The master of military and political affairs is certainly the master of the situation when civil authorities will not be powerful. As for the question of distance between India and England in this world, where we can cover long distances by air, the distance between England and Aden has shrunk. It has also shrunk between England and India. Aden is an important centre between India and England, and it must remain so, so far as military and political affairs are under England's control, for it is England's Gibraltar of the East. I am willing to place England in that position knowing as I do that my country has a large seaboard and no navy of her own. We are very much dependent upon the British navy, for we have a vulnerable seacoast which many of us oftentimes choose to forget. But trade is of very great importance to us. The money that we have invested in Aden is of equal importance. Indian brain and Indian money has improved the Aden of today and it is but fit and proper that Great Britain, which believes in British connection, should leave the civil control in our hands so that we may feel that, in some sport in the middle, Great Britain and India are working together. It is, from this point of view, to illustrate the Indo-British connection, that I would insist that the civil control should rest with us. I am not chasing the will-o'-the-wisp of military control. Some one said that Aden was like a kettle which had gone into the sea. Aden is not under the sea. On the contrary, it is, as it were, the watch tower of the East and, from there, it views and surveys the sea. Sir, as these are the times of depression and as the trade of India is important to Aden as well as to India and to countries from which our goods are distributed, I would suggest to His Majesty's Government that they should not, against the unanimous wish of this House and of the Council of State, take away the civil control from our hands. I hope they will not take away the civil control, for I believe they will not like to estrange us on an important matter like the civil control of Aden. Sir, the Honourable the Leader of the House mentioned, I believe, the question of constitutional changes which are probably worrying either some people in Aden or His Majesty's Government. But there are no constitutional difficulties in re-transferring Aden to Bombay's control if Aden must come under



[Mr. C. S. Ranga Iyer.]

the Federation. Aden was under the control of Bombay before, and the Bombay Government could carry on the civil administration. It is provided even in this communiqué of the Government that the Bombay High Court will be of use to Aden subjects even after the completion of the transfer. I think I am right in saying so, because I have not got the communiqué before me, and I am speaking from recollection. If that is so, and if distance does not come in the way in this particular respect, I cannot see why civil control should not be in Bombay's hands as it has been hitherto. I hope and trust that, in the constitutional adjustment, Aden will not be taken away from us so far as the civil affairs are concerned.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Mr. Deputy President, with your permission, I should like to intervene for a few moments in this debate, because I am interested in Malabar and, to some extent, in the trade of the West Coast. You are aware that Aden is the distributing centre for a considerable portion of the produce of Malabar consisting of pepper, tobacco, spices, plantation products and timber. The trade in these articles is handled by Arab merchants who are financed by Indian bankers resident in Aden who allow them credit from three to six months at a time. They buy these articles in Malabar and carry them in Arab bottoms built at Aden out of Malabar timber and distribute them in Persia, Iraq, Arabia and the east coast of Africa. This trade has been roughly estimated to amount to something like half a crore.

When it was announced by His Majesty's Government that the control of Aden was to be transferred to the Colonial Office, considerable perturbation was caused in Malabar among traders as well as producers as to what was to happen to this trade. We all know that trade follows the flag, but it has been the unfortunate experience of Indian trade that it has never flourished under the Colonial Flag. On the contrary, whenever a Colonial Administration has taken charge of Indian trade, a blight seems to have overtaken that trade. You have only to look across the water and you will find that Somaliland, when it was administered by the Government of Bombay, had a flourishing trade and its seaports of Barbara, Zaila, Bulhar were thriving ports ; the port of Barbara had a population of 20,000 with busy docks, wharves and warehouses. After the Somali war, the Government of that Colony was handed over to the Colonial Office and the result was that these ports are now practically dead. Indian merchants, unable to bear the heavy taxation and the discrimination against them made by the Colonial Administrators, gradually left the Colony and in their wake followed the Jewish and the Arab merchants. For the same reasons, in Kenya, it appears that the Indian wheat trade has been practically eliminated, that the Indian transport trade has been suppressed and that attempts are being made to eliminate the Indian maize trade. The reason seems to be that the Colonial Administrator does not understand the Indian settler at all. He knows the European trader and settler. He knows the native of the Colony which he is administering ; but the Indian settler, an Asiatic who claims equality of opportunity with the European, has no place in his philosophy. In the result, we find that whenever the Colonial Office has taken over the administration of territory where Indians are settled, the trade of India suffers very severely.

The Aden trade with Malabar will suffer for another reason, *viz.*, that the neighbouring African Colonies of Kenya, Tanganyika and Uganda are very serious rivals to Malabar with regard to the produce which Malabar exports. Only the other day, I heard that there was a trade mission sent under the ægis of the Government of Kenya to Aden to negotiate an agreement for the sale of the plantation produce of Kenya. As it happened, the Indian bankers at Aden refused to give credit to the merchants and the English bankers also refused to give credit, because their credentials were not satisfactory. We all know that the planters in Kenya have very powerful connections and have friends at Court and there is no doubt that they will in a short time be able to eliminate the Malabar produce from the Aden market if Aden is transferred to the control of the Colonial Office.

This debate has been initiated by my Honourable friend, the Leader of the House, with a motion that this House do take into consideration the communiqué of the Government of India. The communiqué contains the following words :

“Already Aden (Settlement) to some extent is under Imperial control and it is inseparable in practice from the Aden Protectorate which has already passed wholly out of Indian control.”

If I understand these words rightly, they seem to imply that if the Settlement of Aden continues to remain under the control of the Government of India, there would be divided control—a sort of dyarchy—which, in time of war, will be unworkable. That seems to be the most reasonable interpretation to be placed upon this communiqué. If that is so, it is clear that the mind of His Majesty's Government is already made up with regard to the transfer of the civil control of the Aden Settlement. Unfortunately the Honourable Members on the Treasury Benches have their lips sealed under an Ordinance, whether it is a self-denying Ordinance or an Ordinance imposed by the Secretary of State, I do not know. We do not know what really are the reasons which have prompted His Majesty's Government to take the course which they propose to do. Therefore, not knowing the reasons underlying the action of His Majesty's Government the arguments advanced by the several speakers in this House against the measure seem to be more or less like tilting at a wind-mill. But, being a Subordinate Legislature, we have no reason to complain.

Be that as it may, it seems to me that the most reasonable explanation to be placed upon the action of His Majesty's Government is this. During the war, the strategic importance of Aden, as a military and a naval base, in case of a future war, was discovered. His Majesty's Government is unwilling to disclose the implications of this discovery, because it would not be in the public interest to do so, and I venture to think that that is the reason why they have imposed a seal of silence upon the lips of the occupants of the Treasury Benches. If that is the correct explanation, it seems to me that it is idle to charge either the Government of India or His Majesty's Government with breach of faith or violation of pledges. Because, as my Honourable friend, Dr. Ziauddin Ahmad, pointed out, here we are functioning not in the moral plane but in the plane of high politics ; and we all know that to a politician as well as a diplomat, language is given to conceal his

[Dr. F. X. DeSouza.]

thoughts. Then, again, it is idle to urge our moral claims to the retention of Aden, claims based upon Aden having been developed from a barren rock with a population of 3,000 to a flourishing port, the entrepot for the trade of the middle east, with a population of more than 50,000. It seems to be idle to urge our moral claims, because, if it is Imperial policy that dictates the transfer of Aden to the Colonial Government, there is no answer. *Salus patriae suprema lex.*

What then should this Assembly do? Should we, as was said by my Honourable friend, Mr. Puri, whom I am sorry not to see here, fold our hands in silence and offer Satyagraha; because, as he said, it is useless to try to bargain with an opponent with overwhelming strength? Or shall we say, as my Honourable friend, Major Nawab Ahmad Nawaz Khan, suggested, that the people of Bombay and Karachi and the other ports affected should look upon this as a loss caused by an act of God, say by an earthquake? Of course, it is very easy to preach resignation under other people's misfortunes. But these seem to me to be counsels of despair. I do not think that that is an attitude of mind with which we should meet the situation. A similar situation on a vastly larger scale offered itself to the British Government in framing a scheme for the Federation of India. They had to hand over the immense trade of the British nation with India to the future Federal Government. Did they fold their hands and say: "We do not care what happens to this trade; let it take care of itself"? No; they insisted upon constitutional safeguards being inserted in the Constitution that no discrimination shall be allowed against British trade by the future Federal Government. I wish our Honourable friends, the Members of the European Group, would help us and tell us how a similar guarantee may be inserted in the Instrument of Transfer, transferring the administration of Aden from the Government of India to the Colonial Government. It is true that there are certain vague promises which are offered in this communiqué. But, as pointed out by every speaker on the Opposition Benches as well as on these Benches, these are hedged round with so many "ifs" and so many "ands" that they are certain to be treated as mere scraps of paper.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

What we want is a categorical guarantee, specially with regard to clauses 3, 4 and 6 of the communiqué, *viz.*, that Aden will be maintained as a free port, that no further additional taxation will be imposed and that on no account will any racial legislation or segregation be permitted by His Majesty's Government.

Sir, enough has been said about compensation which ought in justice be paid to India and I do not wish to dilate further on this point.

But whatever the compensation granted may be, I feel certain that there will be deep and sullen resentment in the mind of political India caused by the action proposed to be taken by His Majesty's Government. Sir, at a time when every other country and every other nation is endeavouring to capture foreign markets by appointing Trade Com-

missioners and otherwise to develop the trade of their country, here we are asked to sacrifice a large market amounting to eight crores of rupees, at our very door, created by our enterprise. And while unemployment is acute, we are asked to sacrifice a not inconsiderable field for the employment of our nationals, not only in the service of Government, but also in mercantile houses. And, above all, we are asked to give up to an unsympathetic administration a flourishing Colony which has been developed at the expense and by the enterprise of Indian nationals. And when, in course of time, the Colonial Office takes charge of Aden, and, in the picturesque language of the *Statesman* newspaper, the Indian population exchanges the whips of the Government of India for the scorpions of the Colonial Office there will be one more cry raised from Indians overseas and that cry will stir political India deeper than any other cry of a similar kind has stirred it before ; because, it will be a cry raised not from the descendants of indentured coolies as in South Africa or from segregated hawkers and shopkeepers as in Kenya and Tanganyika, but it will be a cry raised by powerful mercantile interests with influential connections in Karachi, Bombay, Rangoon and all the other important ports of India. And, therefore, in all humility, I ask His Majesty's Government to pause before they decide to take the action they propose, and if the blow is inevitable, then, so far as lies in their power, to soften the blow.

**Sir Cowasji Jehangir :** Sir, I rise to support, I believe it is a Resolution moved by my Honourable friend, Dr. Ziauddin Ahmad. I understand, the intention of Government in allowing the non-official Members of this House to express their opinion is to enable Government to realise the feelings of all Indians on this question. I should have thought that by now, Mr. President, all Honourable Members on the opposite side had fully realised the strong feelings,—you may call it sentiment if you like or you may, if you like, call it bad argument combined with sentiment,—that exists throughout the country ; that the step now proposed by His Majesty's Government, namely, the transfer of the civil administration of Aden to the Colonial Office is strongly resented. Sir, every one of us has been supplied with a considerable amount of literature. I have got it in front of me, and, I am sure, my friend, the Honourable the Leader of the House, must have got two copies each sent to him. (Laughter.)

**The Honourable Sir Joseph Bhore :** Not even one.

**Sir Cowasji Jehangir :** Then, Sir, may I present him with this bunch of pamphlets on the question of the transfer of Aden,—and every one of these pamphlets protests against the proposed transfer. Sir, my friends who have already spoken have left very little for any one else to say, but the fact that, even after what little I shall have to say many more will rise to their feet, will, I trust, convince Honourable Members opposite, if they are not already convinced, that the proposed transfer of Aden has not got the approval of the people of this country. Now, Sir, the latest contribution that has been made to this subject is this communiqué. I think my friend, Mr. Munshi, from Burma was rather enamoured of this communiqué, and, lest anybody might misunderstand him, he candidly said that it was one of the worst arguments ever put forward by Government, but his sarcasm went to such

[Sir Cowasji Jehangir.]

an extent that it was liable to be misunderstood ; as a matter of fact, I quite agree with him that this was one of the worst arguments ever put up by Government to my knowledge with regard to the transfer of Aden. Now, Sir, what are the reasons given in this communiqué which we are seriously asked to consider ? The first point is that Aden does not naturally fit into the new Federation. Well, Sir, I presume there are other Federations in this world like Germany, United States, and so on—they all have colonies. Do Government seriously mean to contend that if India is to be a Federation in the future, she should give up all hopes of having colonies, or do they mean that it will be difficult to attach Aden to any one province ? Sir, I honestly say that when the administration of Aden was transferred from the Government of Bombay to the Government of India, we never realised that it would be brought up as an argument in favour of transferring Aden to the Colonial Office,—for that is the meaning of this argument. If it had remained with Bombay, there would have been no justification for putting forward this argument that Aden will not fit into a Federation. Shall we be said to exaggerate when I say that we had apprehensions of some such thing when Aden was transferred from Bombay to the Government of India ? As a matter of fact, I know very well that many of my friends in Bombay said that this was merely a thin end of the wedge, and the next step would be that it would have to go to the Colonial Office ; but the very strong language, in which we were told that Government had no such intention, allayed our apprehensions. I do not want to worry this House by reading again the words of the then Foreign Secretary uttered in the presence of the Viceroy to a deputation that waited on him in 1931, when he told the deputation that Government had no ulterior motives in making the transfer from the Government of Bombay to the Government of India, and that it was only a question of administration. Now, Sir, personally I did not really even then fully understand the great difficulty of administration. I had something to do with the administration of Aden for several years, and although there was some delay on account of the Bombay Government having to get the approval of the Government of India in many of their proposals, it was not an insuperable difficulty. Such delays occur every day in the administration of this country. Provincial Governments have to get the orders of the Government of India on many questions which cause delay and inconvenience, but it is no use crying over spilt milk. The transfer was made, but we never expected that that transfer would be flung in our faces as an argument in favour of again transferring the administration of Aden to the Colonial Office. Sir, it is a poor argument to put forward after what fell from the lips of responsible officers of the Government of India.

Then, Sir, we are told that to some extent the control has already passed into Imperial hands. Now, who agreed to that transfer ? We were never consulted. And what is much more, an undertaking was given that we would be consulted. Mr. President, not even the Government of Bombay was consulted. Far from being consulted, they heard of it for the first time when the Home Member for the Bombay Government was actually on his feet moving a Bill in the Legislative

Council of Bombay for Aden—he heard of it for the first time in the Legislative Council when he was actually moving a Bill, and he was taken by surprise. His only answer was that all he could say was that the Government of India had approved of his moving the Bill, and he was not responsible. Now, Sir, if that is an argument for the transfer of the civil administration to the Colonial Office, my answer is, re-transfer the military and foreign control to the Government of India, and you will get rid of this argument. If you have caused a difficulty for yourself, then undo the wrong you have done already, but don't bring it up as an argument at this stage, for it was your action and not ours, your action without our approval.

Then, Sir, we come to this question of money. We are told that we shall be let off £150,000 a year, that is what it comes to. If I have understood the Finance Member correctly, the budget of the civil administration balances itself and the contribution of £150,000 we pay a year to His Majesty's Government will be saved if we agree to the transfer of Aden to the Colonial Office. In these matters we do not look at all questions from the point of view of pound, shilling and pence. Suppose it does cost us £150,000, it is much less than what it cost us in 1926-27, which was Rs. 47 lakhs, and if against our will and against our wishes this burden was taken off our shoulders, it is no use now coming forward and telling us, "We will relieve you of a further burden of £150,000". We did not pass any Resolution in the Imperial Legislative Council, or in the Legislative Assembly, or in the Council of State, asking for this relief. It was a relief given to us because it was convenient to somebody else. We did not ask for such reliefs. No. 2 is too absurd for words, that the right of appeal in judicial cases will remain with the Bombay High Court. Take it, for goodness's sake, to the High Court in England. We do not want it. If you are to transfer Aden to the Colonial Office, I think the Government of Bombay would be justified in saying, "We shall have nothing further to do with you and we shall not have our High Court helping you to administer justice". It is a convenience to yourself; it is not a convenience to us. Why put it down as an argument in favour of transferring Aden to the Colonial Office? If it is put here as a bait to my friends in Aden that they won't have to go so far to England for their justice, then they might reply, "We shall have to go 1,600 miles, as we do now, for our appeals. We shall all the same have to go 6,000 miles when we want justice in all other directions". It is said that Aden will remain a free port if it is transferred to the Colonial Office. Has it ever been contended that it would not be a free port if it remained under the administration of India? What is this? Is this an assurance given, or is it meant to be said that if Aden remains with the Government of India it will no longer be a free port? What is this assurance to us? It is qualified. My Honourable friend, the Leader of the House, can, without even consulting his colleagues, give exactly the same assurance on behalf of the Government of India that if the *status quo* is maintained Aden will remain a free port so far as it is possible, and I am sure that there would be no objection, without consulting even a single one of his colleagues, to his giving us such an assurance and giving the Adenites that consolation. The same thing applies to taxes. But No. 5 is much more important. Sir, I hear from Aden that notwithstanding no

[Sir Cowasji Jehangir.]

action having been taken, no decision having been arrived at, still some officers in Aden have taken it for granted that the administration is to be transferred to the Colonial Office, and all appointments that were given to Indians are now being given to others. I have heard that for the last two years, for certain for the last one year, but I refused to believe it. I do not know where these orders emanated from ; they may not have emanated at all ; but I am distinctly given to understand from Aden that posts that would ordinarily have gone to Indians are now being filled by others. This assurance means that all Indians in service in Aden will be sacked as soon as possible, that some Englishmen whose services have been lent to Aden by the Government of India may continue to retain their posts so long as they are wanted, and then all appointments will be made by the Colonial Office as they are made for the other colonies. And in these hard times when unemployment is rampant we are asked to accept the position that many Indians should be sacked to make room for others.

**The Honourable Sir Joseph Bhore :** May I interrupt my Honourable friend just for a moment ? So far as my information goes, I can assure him that no orders have emanated from the Government of India on the lines suggested by him just now.

**Sir Cowasji Jehangir :** Will my Honourable friend then issue orders that posts that have been held by Indians up to now should be filled by Indians, until at least this transfer is decided on ?

**The Honourable Sir Joseph Bhore :** I have no doubt that the normal practice which has prevailed in the past will prevail in the immediate future.

**Sir Cowasji Jehangir :** I am glad to hear that, and I trust that my Honourable friend's words will reach the administration in Aden and that no further Indians will, I do not say, be dismissed, but when vacancies occur, Indians will get those posts as they have got them for the last number of years.

**Sir Leslie Hudson (Bombay : European) :** On a point of information, Sir. May we be told what those posts are which have been taken away from Indians ?

**Dr. Ziauddin Ahmad :** Education Department.

**Sir Cowasji Jehangir :** I am not talking of the Education Department ; I am not going to enlighten my Honourable friend and I tell him why. For a simple reason. One post was brought to my attention a fortnight ago. I know it. It was in the Port Trust.

**Sir Leslie Hudson :** Is that a Government department ?

**Sir Cowasji Jehangir :** It is a semi-Government department. If my Honourable friend wants to know the posts, what they are, and what people in Aden are saying, I will refer him to those who will be able to give him the names of the men who have been employed. I do not desire to bring these personal matters before the Assembly. It is against my principles to talk about any posts, but I make the statement, a general statement, and I say it is a correct one.

**The Honourable Sir Joseph Bhore :** May I bring to the notice of my Honourable friend that appointments under the Port Trust are not under the control of the Government of India ?

**Sir Cowasji Jehangir :** That may be so. I know it is so. But the idea prevails that Aden is going to be transferred to the Colonial Office and preparations should be made for that purpose.

**Dr. Ziauddin Ahmad :** Only a fortnight ago, many persons spoke to me about it when I was in Aden.

**Sir Cowasji Jehangir :** Now, Sir, as to racial discrimination No. 6.

4 P.M. I have not the slightest doubt of the *bona fides* of this assurance. Government do intend that no racial discrimination shall take place but I have my strong suspicions that Government will not be able to do it. We have had bitter experience, Mr. President. What is the use of repeating those experiences over and over again here. They have been brought to the attention of Government, of the Colonial Office. Commissions have been appointed. People have had to go out to the colonies to investigate the injustice to our countrymen. Do we desire to add one more grievance to the many grievances that this country has with regard to the preferential treatment shown to others, as compared to Indians in the colonies ?

**Major Nawab Ahmad Nawaz Khan (Nominated Non-official) :** There is a Persian proverb which says :

“ Een ham bar sari alam.”

**Sir Cowasji Jehangir :** Translate it. If I am interrupted in Persian, I cannot reply.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Reply in Gujarati.

**Sir Cowasji Jehangir :** You will rule me out of order, Mr. President, if you find out the meaning of my Gujarati. (Laughter.) At any rate, Sir, we do not desire to take any further risks with regard to Aden, because a good percentage of the population of Aden are Indians and if after all anything went wrong and there was discrimination against Indians, I am afraid the trouble would assume a character which I do not like even to visualise. This bitterness between our two countries has increased greatly on account of the ill-treatment of Indians in some of the colonies. We do not want to add another cause of bitterness. Sir, we have heard a good deal about discrimination in India. Nobody wants to discriminate but we do ask those who ask us not to discriminate in India to help to see that there is no discrimination against Indians in the British Empire and if they cannot help us effectively, which they cannot with all the desire in the world, let them at least stand side by side with us in fighting, to see that we do not have another colony where there will be discrimination, a colony which has been administered by India. If there was discrimination in that colony, it would never be forgiven in this country and for that reason alone it would be to the interests of both countries that Aden shall never be transferred to the Colonial Office. It is not discrimination against Indians in favour of Englishmen. It is discrimination against Indians, because they are Asiatics, in favour of Europeans. The English population of Aden is next to nothing. There are Frenchmen, Italians and Germans in Aden. Do



[Sir Cowasji Jehangir.]

you desire that there shall be discrimination in their favour against Indians? We know that in some of the British colonies, there is discrimination against the British citizens of this Empire in favour of men who are citizens of other countries because they happen to be Europeans. That is the strongest argument against this transfer. I am not going to repeat how Aden became a part of the British Empire but let me remind Honourable Members opposite that if the administration of Aden remains with India, Aden shall remain a part of the British Empire, at the service of not only England and India but at the service of Australia, the Straits Settlements and other countries in the Far East, colonies in the British Empire, which Aden serves just as well as it serves India.

Now, Sir, I will just refer to one more point. It has already been made. That is, that if this transfer is inevitable, if as rumour has it, it is an accomplished fact,—personally I do hope and trust it is not an accomplished fact,—then I do appeal to the Government of India to see that justice is done to the taxpayers of this country. I have just now said that Aden serves not only India but it has been of equal service to Australia and the Straits Settlements. We have paid out of our monies for the defence of Aden up to the year 1926. A contribution was paid by Great Britain. We shall still continue to pay a contribution, while a major portion of the expenditure will be borne by the British exchequer but if Aden is transferred, then I think it is only justice and equity to the taxpayers of this country that the monies that we have spent out of their money for the protection of Aden should be refunded to us, not with compound interest but so far as can be ascertained without any interest at all and my main argument for that is, and I will repeat it, that Aden is and has been maintained as a fortress not only for India but for the Empire as well and for certain parts of the Empire in particular and all should put their hands into their pockets. Why should India be called upon to contribute £150,000, even if the administration remains with India? Why not Australia? Why not Straits Settlements? I would like that point to be considered by the Government of India. In any case, whether it is left with the Government of India or whether it is transferred to Great Britain, in both cases all parts of the Empire should contribute. Why should England alone bear the burden? Why should England pay a contribution or why should we pay a contribution? Are there no other parts of the Empire which are benefiting and are there no other parts of the Empire which are being protected? Sir, I have nothing else to say except to reiterate that I do not think there is a single Honourable Member, an elected Member, of this House who is in favour of this transfer. I confidently say that not one elected Member is in favour of the transfer, and we do hope that the Government of India will convey to His Majesty's Government the strong resentment that this country will feel if the transfer does take place. (Applause.)

**Sardar G. N. Mujumdar** (Gujrat and Deccan Sardars and Inamdars : Landholders) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Bhuput Singh. Though I represent the Landholders of the Bombay Presidency proper, I have to look to the welfare of India in general and of the Bombay Presidency in particular.

I think it, therefore, my duty to protest against the transfer of Aden from the Government of India to His Majesty's Government. Not only the people of Bombay, but also of India and even of Aden are strongly against this transfer. On the 13th September last, a big public meeting was held at Calcutta which unanimously protested against the transfer. It is a very sad thing that Aden is being snatched away from us after our very long and happy connection with her for about a century. The people of Aden, comprising of Arabs, Jews and Indians, live in Aden together as brethren, and there has never been any sort of inequality of status, which state of things we prize the most. Even with regard to commerce, industry and employment, every one in Aden feels secured. The present prosperous condition of Aden is only due to the efforts of the Bombay Government and the people of Bombay and India, who went and established themselves there. The tax-payers of India in general and of Bombay in particular have annually contributed lakhs of rupees for a number of years to make it what it is today. I know very well of what great importance our connection has been with Aden and how, therefore, in the mutual interest of Aden and India, every endeavour has been made by Indians to make Aden a prosperous port and a market for our produce. Whenever any question came before our Legislature regarding the improvements at Aden, we have been most sympathetic and I must say we have all along felt that Aden was a part of our own. Aden is about 1,600 miles from Bombay, yet with the recent improved shipping, it has come nearer to us than many parts of India for the transport of our produce, and hence it is very valuable to us.

Sir, we felt very much when Aden was transferred from Bombay to Delhi and Simla, but we felt safe on the assurance given by His Excellency the Viceroy to Sir Chunilal Mehta's deputation in November, 1931, that the transfer would not cut off Aden from India and that our trade and commerce would be the special care of the Government of India. Sir, on such an assurance, we, in the districts, did feel and still do feel that our Government will not let us down. To us this proposal of transfer has come as a surprise. It is really unthinkable, after so much sacrifice on our part, and when the Settlement of Aden has become prosperous, that our Government could be a party in Aden being taken away from us and that, too, against the desire of the people. I am sure, Sir, our Government will respect the feelings of the people and will also take into consideration our sacrifices. Sir, Aden is a central distributing port and through Aden our produce is being distributed in the whole of Arabia and even Africa. Aden has been our valuable market and, in these days of depression, when the condition of our agriculturist is so miserable, I ask, is it not the duty of this Legislature and of this Government to do all they can to encourage Indians and the people of Aden to keep up and even improve their connection with India?

Sir, what is going on everywhere in the world? Every nation is doing its best to find out markets for its produce and to try to find out employment for its people. Why was the World Economic Conference held? Why did the President of the United States make his first duty to improve the depression and increase the value of its produce? I ask, Sir, why the Japanese and Lancashire deputations are coming to Simla? When the nations of the world are doing all this, what do we find here? Our people are being driven away from South Africa and from East Africa, and now it is proposed that we should be a party to an action

[Sardar G. N. Mujumdar.]

which would drive away Indians from Aden and Arabia. Is this position not pitiable ? Should we be a party to such an action and thereby create more starvation ? I think it is the duty of our Government not only to retain Aden, but, as often promised by them, to try and improve the condition of Indians outside India and to establish connections in the world at large for the disposal of our produce and thus improve the half-starving conditions in India.

Sir, when in 1921, an attempt was made to transfer Aden, the Bombay Government strongly protested, as will be seen from the proceedings of the Council of State. Again, in 1927, when the question of Aden came up in this House, not only Members of this House, but all the important bodies strongly protested against the transfer and even the Government of Bombay, through its Honourable Member, Sir Ernest Holtson, and its Chief Secretary, expressed surprise at such an action in the Bombay Legislative Council. Sir, this is our position. I appeal strongly to Government to consider seriously our position and take courage in their hands and tell the British Government that they cannot be a party to their desire, as it is entirely against our wishes and interests. Sir, after all, the Government of India is also a part of the British Government, and what is the fear if Aden is with us ? Why should they have any kind of suspicion ? The people of Aden have stood by the Empire at all times and have contributed to the exchequer as willingly as the Indians. Even during the Somaliland war and the Great War, their sacrifices have been as great as those of any part of the Empire. If not for anything else, for the sake of sacrifices that the Aden people have made and for what Indians have done, I appeal to Government to respect their wishes and their trade relations. I assure Government that, if they respect them, they will always be having their good sympathies and it is that alone, I believe, Government must prize the most. Sir, with these words, I protest against the transfer of Aden. In conclusion, I may be allowed to ask our Finance Member to enlighten as to the total amount the Government of Bombay and the Government of India have spent on Aden for the last 80 years. I know it is a very big amount. Several crores of rupees have been spent by the Bombay Government and the Indian Government too. Will the British Government pay this large amount back to us ? So far as civil population is concerned, we will lose crores of rupees. The Honourable the Leader of the House had made a very important statement, the day before yesterday, with regard to the payment of annual contribution by India, towards the military expenditure at Aden, and, if this side of the House has rightly understood him, with the transfer of Aden to the Colonial Government, the citizens of the Aden Settlement will be relieved of this payment and the Imperial Government will pay it. May I ask, why this discrimination ? Is it right that India should pay this amount if Aden stands connected with India and if it is transferred to the Colonial Government, the Imperial Government should come to the rescue of the Colonial Government ? I say, Sir, India is not rich enough to bear this burden and Indians hope that the Imperial Government will not look after her with a step-motherly affection. This is really an expense for the safeguard of Imperial trade-routes, and justice demands that it should be borne by the Imperial Government hereafter and, I hope, the Imperial Government will be generous enough to refund the enormous

amount collected on this account from poor India for all these years. Sir, with these words, I support the amendment.

**Sir Leslie Hudson :** Sir, neither I nor any of my Group have had the advantage of being supplied with the library of pamphlets which the Honourable the Leader of the Independent Party, Sir Cowasji Jehangir, has exhibited to the House. I am sorry because I have no doubt that I should have been able to add to my knowledge of the history of Great Britain's taking possession of Aden and the reasons for which it was taken.

My recollection of it is that it was consequent on the wreck of an Indian sailing vessel from the coast of Madras, belonging to the Nawab of Carnatic, at Aden, and the plunder of its cargo and the robbing of its crew and passengers, the survivors of whom managed to reach the port of Mocha where they got into contact with the agent of the Government of Bombay, that in due course an expedition was sent from Bombay to Aden, an expedition consisting of 700 British and Indian troops under the command of Commander Haines. That was the reason given for taking possession of Aden, but the actual reason for gaining a foot-hold in the port and harbour of Aden was to furnish a harbour and a coaling station for those early steam vessels that have just begun to ply in the ocean between Bombay and Suez. Such a depôt was necessary, because those vessels could not take sufficient coal for the long voyage between Bombay and Suez. Aden was the place chosen upon and the real reason for taking possession of Aden was for the formation of a coal depôt there. Ever since that time, for nearly a hundred years, Aden has been one of the main fuelling stations of coal and oil throughout the world and, while I agree that large sums of Indian capital have been invested in Aden, there have also been very large sums of British capital invested in Aden. I should like Honourable Members to recollect this, for we have heard quite a number of Honourable Members opposite saying that, because of these Indian investments in Aden, there is a very strong case for India to retain civil control of Aden.

When I heard Member after Member getting up and making use of that expression, it brought to my memory almost exactly similar arguments which I frequently heard when I was in England, namely, that in view of the vast amount of British capital invested in India, Great Britain should retain her control in India. I wonder, if Honourable Members opposite will agree that the same argument should, with justice, apply. Although there appears to us on these Benches to be an obvious advantage in the unification of the control of Aden we do recognise and sympathise with the obvious desire in India that she should continue to control the civil administration of Aden. There is considerable strength in that sentiment. There is also something else besides sentiment behind that desire and that is the financial interests of Indian merchants, and that too will carry weight with Honourable Members opposite.

I repeat that we have considerable sympathy with the desire of India to retain the civil control of Aden, and no doubt His Majesty's Government will take full note of the debates in this House and in the Upper House. So, while we cannot support the motion of Mr. Bhuput Sing, we shall not oppose that of Dr. Ziauddin.

There is just one other point I should like to make. Ever since the late lamented Dr. Woodrow Wilson gave expression to the word "self-

[Sir Leslie Hudson.]

determination", that has become one of the hardest used phrases throughout the world and I wonder whether Honourable Members opposite have realised that possibly there may be a certain amount of desire for "self-determination" on the part of those inhabitants of Aden who do not happen to be Indians.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir (Laughter), the complete unanimity of the House in protesting against the transfer of Aden to the Colonial Office should set the question at rest. The Leader of the European Group is also in sympathy with our sentiment and that is a matter for congratulation. Sir, I don't know why my rising to take part in this debate should create laughter even amongst my friends, Messrs. Mitra and Singh.

**Mr. S. C. Mitra** : We laughed because three or four Members stood up at the same time, and not because the Honourable Member got up to speak.

**Mr. Amar Nath Dutt** : I was rather a little surprised, because I was never given such a reception in the House before. Be that as it may, the reason for my standing up is this. There has been an appeal to the feelings of the Bengalis in this matter by a certain paper which calls itself "the friend of India" and also the "*Statesman*". It was really a friend of India in its infancy when it was nursed by Indian milk, but I cannot say that it is so now. It has tried to rouse the feelings of the Bengalis in these words :

"The sooner Aden is cut loose from India, the better will Bengal be placed. It is hard to avoid using libellous language about the extra 4½ as. salt duty imposed over two years ago in the interest of a handful of merchants working from Aden."

Sir, I take this statement as a libel upon Bengali patriotism. Sir, Bengal has always given the lead in every matter in India formerly, but unfortunately at the present moment we have not got such outstanding personalities as Messrs. W. C. Bonnerji, Mano Mohan Ghose, Lal Mohan Ghose, Ananda Mohan Bose, Sir Surendra Nath Banerjea, and others. Sir, some years ago, that great politician and patriot of Bombay, the late Mr. Gokhale, remarked that what Bengal thinks today India will think tomorrow. That was the compliment paid to Bengal in those days. He said : "Do not try to trifle with the feelings of the Bengalis. A race which can produce a scientist like Sir J. C. Bose, a jurist like Sir Rash Bihari Ghose and a poet like Rabindra Nath Tagore is not a race to be trifled with." That the editor of the *Statesman*, having lived so many years amongst us, could think that the Bengalis can be induced to support a motion like this, namely, the transfer of the port of Aden to the control of the Imperial Government, I consider nothing but a libel upon the posterity of that race of stalwarts and patriots. Sir, as I have said, I am at one with every one of the speakers who have opposed this proposal of transfer ; and there are two amendments and I may make it clear that I would have willingly supported the amendment of Mr. Bhuput Singh, for I believe that, by remaining with India for nearly a century, Aden is and has become a part and parcel of India and we have a right to demand that Aden should be linked with India.

Sir, I think my friend, the Leader of the European group, gave rather a little incorrect history of the Protectorate of Aden as also Aden

itself. Here I find in an authoritative book, the authenticity and the correctness of which cannot be challenged, namely, the Indian Year Book, that :

“ Aden was the first new territory added to the Empire after the accession of Queen Victoria. Its acquisition was the outcome of an outrage committed by local Arabs upon the passengers and crew of a British Indian buggalow wrecked in the neighbourhood.”

**Sir Leslie Hudson :** I think that is what I said.

**Mr. Amar Nath Dutt :**

“ Negotiations having failed to secure satisfactory reparation the Government of Bombay despatched a force under Major Baillie which captured Aden on January 19th, 1839.”

My Honourable friend wanted to give us an idea that it was in order to get a harbour and a coal depôt, but here we find a different reason given. The troops were mainly composed of Indians and not, as my Honourable friend would make us believe, Indian as well as European. Sir, I shall not repeat what has been said by other speakers about the reason why Aden should be with India, and the criticism, that has been levelled against the so-called advantages that might be gained by separation, has also been dealt with amply. So I do not think it is necessary for me to go over the same ground again and, if I have taken up a few minutes of the time of the House, it is in order to show that we Bengalis do not lag behind any of our Indian fellow-countrymen in protesting against a measure like this, although I am painfully aware that at times Bengal is not fortunate enough to get the same support from the people of other Presidencies.

**Mr. Muhammad Muazzam Sahib Bahadur :** Mr. President, before I address myself to the question of the transfer of Aden, I wish just to read out a few lines from the column of the *Statesman* of the 16th instant where you, Sir, have been referred to as the dumb President. The opening paragraph reads :

“ It was unfortunate that, throughout the discussion of the Reserve Bank motions, the only non-official Member of the Assembly who really understood the subject was the necessarily dumb President.”

Then towards the end, referring to the debate on the question of the transfer of Aden, the paper says :

“ Perhaps it is fortunate for everyone that the Assembly so seldom has time enough to take stock of what it is doing and saying from one day to the next. The Opposition, for instance, urges that the press should be completely at liberty to plague the rulers of Indian States but should be prosecuted with all rigour if it says what it thinks about Mr. Gandhi. The same will probably happen on Monday in the discussion of Aden's future. The Opposition will use precisely those arguments for whose employment they most bitterly criticise their opposite numbers in England. The parallel will run somewhat after this fashion :

**Opposition M. L. A. :** Aden has been under British Indian rule for nearly a century.

**Lloyd-Churchill :** India has been under British rule for over a century.

**Opposition M. L. A. :** Indians have put crores of money into Aden's development.

**Lloyd-Churchill :** The British have put hundreds of crores of money into India's development.

**Opposition M. L. A. :** The separation of Aden will be a blow to Indian trade.

**Lloyd-Churchill :** Self-government for India will be a blow to British trade.

[Mr. Muhammad Muazzam Sahib Bahadur.]

*Opposition M. L. A.* : The Arabs who want Aden's transfer are not really representative.

*Lloyd-Churchill* : The vocal Indian politicians who talk of Swaraj are not really representative of the masses.

*Opposition M. L. A.* : Aden and India are ours and must remain ours.

*Lloyd-Churchill* : Aden and India are ours and must remain ours."

That is how it concludes. I think, Sir, that what is really meant is the Home Government and that, instead of using the words "Lloyd-Churchill", it would have been much more appropriate to have said "The Home Government".

I have very closely followed the debate on the motion of the Leader of the House and I think three outstanding facts emerge from what has actually happened regarding Aden during all these years for nearly a century and from the communiqué which we are asked to discuss. The first one which strikes me as the most important is that the Home Government have long had an eye on the Settlement of Aden. But the idea in their mind appears to have been that, in this particular case, it was better to play a waiting game. They did not like the idea of taking possession of a lean calf. On the other hand, they said : "Let it grow fat and then we shall have it."

Then the next point that occurs to me is that whenever the Government of India profess to express a defined policy which the Home Government is pursuing or is going to pursue, their statements can only be taken as an expression of opinion which might or might not be carried into effect. Specially is this so when the matters relate to foreign and colonial policy. The third is that the burden of the annual contribution by India has been steadily on the decrease. There can be no two opinions on this aspect of Aden's finances.

I think, Mr. President, we have now reached a stage at which Aden, instead of her being a burden to India, which it has been for so many years, will begin to show ever increasing returns on the credit side of India. As a matter of fact, I can say with confidence, that, in the space of another five or six years, the debit side will be completely wiped out, and the credit side will begin to swell. Mr. President, I am not going to enter into a controversy with my Honourable friend, Sir George Schuster, in relation to the financial effects of the transfer of Aden. I shall take the figure which the Honourable the Finance Member has stated to be almost a correct one representing the burden to India this year—1932-33—and he put that figure at 15 lakhs and 60,000. As against that, we have to bear in mind that India will be losing every year something like one lakh and sixty thousand by way of loss in income-tax earnings on the principle that there cannot be double assessment to income-tax. I believe, if I have understood the Honourable Member correctly, the loss would come to about one lakh and sixty thousand rupees....

**The Honourable Sir George Schuster** : I told my friend that it was impossible to give an exact estimate, and that all I could say was that it would not be a large sum.

**Mr. Muhammad Muazzam Sahib Bahadur** : Conceding, then, Mr. President, that the burden to India is something like 15 lakhs this year,—that at the present moment the expenditure and the income balance each

other so far as the civil administration is concerned, that the income to India is steadily rising, and that India is entitled to claim from the Colonies for the safety of their trade route to the East a share of her annual contribution to Aden,—is it too much to expect that henceforth from year to year the revenue income to India from Aden will begin to swell to an extent that the necessity of a subvention by India will cease to exist ?

Mr. President, I shall not devote any time in dealing with the ancient history of Aden. I shall refrain from paying my tribute to Major Bailey and to the other Colonel to whom my friend, Sir Leslie Hudson, referred. But, I think, I shall have to point out, that, in the course of the discussion on this motion, when my friend, Dr. Ziauddin, said that Sir Denys Bray had made two statements which could not be reconciled, the Honourable the Leader of the House stood up and said, that the statements taken together purported to convey what we exactly were doing now. Now, Sir, this is what Sir Denys Bray said. I shall quote his very words :

“ I repeat my promises that the transfer of Aden will not be effected without the House being consulted.”

Then, Sir, in the same speech, the Foreign Secretary has also said :

“ I hasten to add that all idea of such a transfer has long since been abandoned.” —referring to the civil and municipal administration of Aden. Now, taking those two statements together, I am in entire agreement with the Honourable the Leader of the House that opportunity has in fact been given to us to discuss this motion, and if I have to reconcile with the communiqué under discussion the other statement made by Sir Denys Bray, namely, that the Home Government had given up all ideas of a transfer, then, it appears to me that I need only repeat what I said just now, that on questions where the Government of India professed to speak on matters relating to foreign and colonial affairs, the last word lay with the Home Government and not with the Government of India, and their statements and utterances in this House could at best be taken only as mere expressions of opinion and no more. As a matter of fact, they reflect the utter helplessness of the Government of India in these matters.

Sir, I shall now address myself to the obstacles which have stood so far in the way of the Home Government effecting their purpose. It was only the day before yesterday that my friend, Mr. Puri, while speaking on this motion, said,—what is the use of discussing this motion, the Home Government have already come to a certain decision, and all our talk here will be a waste of time,—indicating thereby that the Home Government had already made up their minds and the matter which we are discussing now has already once for all been settled. Sir, while I am confident on the one hand, that what the Home Government have done already will not now be undone, that is to say, that the military and political control of Aden will not be retransferred to India any time, I do trust, on the other, in spite of what my friends, Sir Cowasji Jehangir and Dr. Ziauddin Ahmad, have said regarding the entertainment of Europeans in place of Indians in Aden for the last few months and the permanent establishment there of the National Bank two or three months ago replacing the small banks which were doing business formerly and the employment further in the Education Department of a European in place of an Indian who was holding that office for a long time,—although all these things may tend to show in a way that the Home Government was contemplating a transfer, I do hope that, when the point of view of this House and that of



[Mr. Muhammad Muazzam Sahib Bahadur.]

the Council of State is placed before that Government, they will see the reasonableness of our demand, and that they will give up pursuing the line which they appear to have taken.

Now, Sir, I shall not go deep into the whole case, but I shall just say a few words on what I feel, in regard to three or four points. As regards the grounds which are set out as points indicating the desirability for the transfer of the civil and military administration of Aden, I find that the first ground deals with geographical remoteness. Sir, arguing on those lines, I submit that Ceylon is very close geographically to India, and, as such, would the Home Government be prepared to make a sporting offer to India of that small island? Can India expect that Ceylon would be given to us in exchange for Aden? It is geographically closer to India than Aden, and so, I ask, would they ever make that sporting offer? Then, again, where at all is the Colonial Office? Not at Suez surely, nor at Malta, but as many as 5,000 miles away in Downing Street. Sir, in these days of conquest of speed over distance, geographical remoteness for purposes of administration has no meaning at all. The next point made is that Aden will not naturally fit into the Federation. I wonder what those words "naturally fit" precisely mean. I ask, do those tiny little Indian States in the north naturally fit into the federating structure? Is the dovetailing of the Federation so very perfect? The last ground taken is that Aden is already to some extent under Imperial control. To this, I retort, "Was that of our making?" Was not the transfer of the military control thrust upon us suddenly by His Excellency the Commander-in-Chief in 1927 when he made the announcement on the floor of this House that the control of Aden had been definitely transferred to the Colonial Office? That was a bombshell that His Excellency the Commander-in-Chief dropped in this House. After 1927, deputations have been coming up to Simla and Delhi to wait on His Excellency the Viceroy, the last one, I believe, waited on His Excellency Lord Willingdon in 1931, a few months after His Excellency assumed the reins of office. There had been references and resolutions in both Chambers suspecting that the announcement of His Excellency the Commander-in-Chief was but a first step towards the transfer of the entire control of Aden to the Colonial Office.

The communiqué is very cautiously worded. Mr. President, if you will only turn to the last sentence of the first paragraph, which I shall read out:

"If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established"—

they would not commit themselves to saying that—

"these conditions will prevail",—

or that—

"His Majesty's Government vouchsafe to Aden the following conditions."

They simply contemplate that the following conditions would be established. And what are those contemplated conditions? The first of them is the relief afforded to the Government of India in the matter of the annual contribution of £150,000 sterling or about 20 lakhs a year. I need not further develop that point, because, I have already pointed out how in the coming years there is a very real prospect of Aden yielding to India

an income which would cover the expenditure which India might have to incur for carrying on the military as well as her civil and municipal administration. The present has been found to be the most opportune moment for the Home Government to take over the control of the civil and municipal administration, because they are afraid that, if Aden is allowed to continue any longer under the Government of India, the effect will be that the income from Aden will go on increasing and it might be that, in the course of a few years, the Indian Government may be able to pay the cost of the military expenditure also from the revenues derived from Aden. One thing which makes me feel what I have just said is that in the matter of income-tax, the law that is prevalent in Aden is not the law which is prevalent in India. I am quoting it from a book, Sir, it is not of my own imagination.

**The Honourable Sir George Schuster :** I may inform the Honourable Member that the income-tax law in Aden is the Indian income-tax law.

**Mr. Muhammad Muazzam Sahib Bahadur :** May I know from the Honourable the Finance Member whether the average for six years is not calculated in assessing income-tax in Aden ?

**The Honourable Sir George Schuster :** I do not know what my Honourable friend has in mind, but the Indian income-tax law applies to Aden.

**Mr. Muhammad Muazzam Sahib Bahadur :** I think I have got the pamphlet. However, for the present, I shall not dilate on that point. Another thing which has struck me as rather remarkable is that the Home Government have consciously or unconsciously waited for nearly a century after the conquest of Aden, without having cared to take up the entire administration from the very beginning. It is only now, after as many as 93 or 94 years since it came into the possession of Great Britain, that any attempt is being made to take over the civil and municipal administration, and why they have delayed taking action earlier is not at all explained. On the floor of this House, the Commander-in-Chief stated in 1927—I am probably quoting his very words—that in consideration of Indian welfare and Indian interests the control of the civil and municipal administration of Aden would continue to be exercised by the Government of Bombay. That statement was made on the floor of this House by His Excellency the Commander-in-Chief, and I think the Home Government felt it rather awkward that, in the face of such a definite statement by a responsible Member of the Government, in the face of definite public opinion which had gathered round this question both in Aden and in Bombay, and of the attitude of the Bombay Government itself on this question which had expressed itself rather strongly,—because of these three things, Mr. President, the Home Government thought that they should delay the matter until people had to some extent forgotten what had happened and until the Home Government could find a much stronger weapon than the ones at their disposal at that moment. That weapon they had discovered now—I mean the weapon of Federation. That is the main ground that is now advanced for a transfer. The second condition is the maintenance of the right of appeal to the Bombay High Court. But I need not discuss this matter at length, because as Sir Cowasji Jehangir has already said, it simply maintains the *status quo* and does nothing more. The third condition is : “ His Majesty’s Government would maintain the existing policy of making Aden a free port ”. But, Mr. President, there is a grim

[Mr. Muhammad Muazzam Sahib Bahadur.]

“ unless ” tacked on. It reads : “ unless some radical change in the present economic situation should take place ”. Mr. President, even without the “ unless ” and the rest of it, what is it that they are doing ? They are doing nothing in advance of the prevailing conditions. With the “ unless ” and what follows it, it is indeed worth nothing. In the fourth condition also, they use the word “ unless ”. It says, “ unless such a course became in their opinion absolutely necessary ”. We all know what is the significance of this word “ unless ” in Parliamentary papers and documents. It is so easy to create the desired causes and then say that the step sought to be taken is absolutely necessary and they have got to do it. The fifth one deals with retaining in the Aden Service a proportion of Indian Service Administrative personnel for some years, which, when paraphrased, only means that at the end of a few years, you would not have one Indian in the Aden Administrative Services. The last one, Mr. President, is much more definite than all the other conditions, and it says :

“ No racial legislation or segregation would be permitted by His Majesty’s Government.”

Sir Cowasji Jehangir has already dealt with this point and I need not

5 P.M.

dilate on it over again. I shall merely say this, that from our experience of Kenya, the Fiji Islands and other Colonies, the treatment accorded to Asiatics in those countries is something which every Indian resents. That, Sir, is a matter of common knowledge. There is no doubt that the Indians in the colonies are segregated and if tomorrow severance of control does take place in regard to Aden, what is there to prevent the European element there from insisting on a uniform law with regard to the Whites in all the Colonies. The European population which is sure to grow in Aden, if transfer is effected, will doubtless claim that the law which prevails in the other colonies should be made applicable to Aden and I doubt whether the Home Government would be able to resist the claim of the European element.

Lastly, I would refer to the strategic position which Aden occupies on the principal trade route to the East. Who are all the people who are getting the benefit of that most important station ?—Australia, Ceylon, East and South Africa, the Federated Malay States and some other Colonies. I ask my Honourable friend, Sir Joseph Bhore, why then the expenditure incurred on Aden should not be treated as an Imperial charge. Should not the other Colonies such as Australia, who share the benefit of this trade route, be called upon to bear a share of India’s annual contribution equally with India, and let me assure you, Mr. President, that that is exactly what is going to happen once the transfer of control is effected.

I do not think I need take up the time of the House any more except, with your permission, to digress a bit and to point out, that, for the past few months, the trend of legislation and communiqués that are brought forward before this House has taken a most reprehensible turn. Only the other day we were discussing a Bill to prevent the activities of the British Indian press and the Indian public in regard to the Rulers of Indian States. The principal reason stated in its Statement of Objects and Reasons, as necessitating such a measure, was that the Federation was being set up in the near future and a Bill of that kind was absolutely necessary and we are now told that for the same reason a step, like the one that is now contemplated in the Government communiqué, has become desirable.

Both these have a common presiding deity, namely, the Goddess of Federation. Mr. President, I feel I cannot do better than invoke the aid of that dubious Goddess and say to her " Federation, what sins are committed in thy name ! "

**Several Honourable Members :** I move that the question be now put.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

The motion was adopted.

**Mr. S. C. Mitra :** I like to make the point clear about the voting on this closure motion. Let those who had a chance to speak vote against us. There are others who feel very strongly that they should get a chance to speak on this important motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair would remind Honourable Members once again about the rule relating to closure. The Standing Order says that, where a closure has been applied, the Chair shall accept it, unless it is satisfied that there has not been a fair debate. Therefore, unless the Chair is satisfied that there has not been a fair debate, it is a mandatory injunction on the Chair that the closure shall be accepted. Twenty Non-Official Honourable Members have already spoken for a day and a half. The Chair finds that the number of Non-Official Members present is, on the average, about 30 or 32 and, under these circumstances, the Chair is not prepared to say that there has not been a fair debate. The Chair would like those Honourable Members who want a division on the closure to stand up in their seats. (After counting.) There is no general consensus of opinion in favour of continuing the debate and the Chair proposes that the division be not taken.

**Mr. S. C. Mitra :** Is it your ruling that I cannot claim a division ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Not on closure. So far as the closing of a debate is concerned, the Chair, even without the application of a closure motion, can always put the question, when the Chair is satisfied that there has been a full and fair debate. Therefore, applying that principle, the Chair does not think that it is bound to put the closure to a division, when only one or two Honourable Members wanted a division.

**Mr. S. C. Mitra :** It is more than half a dozen Members that are claiming a division.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Even half a dozen Members wishing a division on a closure motion is not indicative of a general desire on the part of the House to have the division taken up.

**Mr. S. C. Mitra :** There is a large number of Members on this side who are likely to speak ; so, if there is a division, it should be confined to Members on this side only, because Official Members are not going to speak on this motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair is paying consideration only to the non-official side. Does Mr. Bhuput Sing want his amendment to be put to the vote ?

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**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : No, Sir. As the purpose of my amendment will be equally served by Dr. Ziauddin's amendment and, in order to concentrate attention on one motion, I ask the leave of the House to withdraw my motion.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The original question was :

“ That the Government of India communiqué, dated the 20th June, 1933, regarding the future administration of Aden, be taken into consideration.”

Since which the following amendment has been moved :

“ That for the original motion the following be substituted :

‘ While recording their emphatic protest against the complete transfer to the Colonial Office of Aden Settlement which has for about a century been an integral part of British Indian administration, the Assembly requests the Governor General in Council to convey to His Majesty's Government the strong desire of the people of India that the proposed transfer should not take place ’.”

The question is that that amendment be made.

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable the President of the Council of State has been requested to convene a meeting of the Joint Select Committee on the Reserve Bank and Imperial Bank Bills tomorrow afternoon at 2-30 P.M. Honourable Members will get due notice of this meeting.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 20th September, 1933.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 20th September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### MUSLIM GAZETTED OFFICERS IN THE UNITED PROVINCES POSTAL CIRCLE.

1020. \***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) Will Government be pleased to state the number of permanent Muslim Superintendents of Post Offices and Railway Mail Service in the United Provinces Postal Circle ?

(b) Will Government be pleased to state the number of Muslim Deputy Postmasters General and Assistant Postmasters General in the United Provinces Postal Circle ?

(c) Will Government be pleased to state the number of Muslim gazetted officers in the United Provinces Postal Circle ?

(d) Will Government be pleased to state the communal composition of the permanent holders of the following appointments in the United Provinces Circle :

- (i) Deputy Post Master General ;
- (ii) Assistant Post Master General ;
- (iii) Superintendent, Post Offices ; and
- (iv) Superintendent, Railway Mail Service ?

**The Honourable Sir Frank Noyce** : (a) One, who is, however, employed at present in the Director General's Office as Assistant Deputy Director General.

(b) None.

(c) It is presumed that the Honourable Member refers to the Postal Branch of the United Provinces Posts and Telegraphs Circle ; if so, the number of Muslim officers is two.

(d) The permanent holders of the posts of Deputy Postmaster-General, and of Superintendents, Railway Mail Service, are all Hindus. Of the three permanent Assistant Postmasters-General, two are Hindus and one is an Anglo-Indian. Of the thirteen permanent Superintendents of Post Offices, eight are Hindus, four are Anglo-Indians, and one is a Muslim.

**COMMUNAL COMPOSITION OF THE HOLDERS OF SELECTION GRADE POSTS UNDER THE POSTMASTER, ALLAHABAD.**

1021. **\*Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) Will Government be pleased to state the number of selection grade posts under the Postmaster of Allahabad, and the communal composition of the holders thereof ?

(b) Is it a fact that for the last two decades not a single Muslim was appointed as Head Clerk or Assistant Head Clerk or Accountant or Assistant Accountant in the Allahabad General Post Office ?

**The Honourable Sir Frank Noyce** : (a) The information is not readily available. I may, however, state that appointments to selection grade posts are by promotion and promotions are not made on a communal basis.

(b) Government have no information but postings of officials are not made on communal considerations.

**PROMOTION OF TWO NON-HINDUS AS TOWN INSPECTORS IN THE GENERAL POST OFFICE, ALLAHABAD.**

1022. **\*Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) Is it a fact that in the General Post Office, Allahabad, two junior non-Muslims have been promoted to Town Inspectorship ?

(b) Have these newly appointed men had any previous experience of Town Inspector's work, and have they worked on that post before ?

(c) Were senior fit Muslim clerks available for Town Inspectorship ? If so, why were they not appointed ?

(d) Is it a fact that there are Muslim clerks and Sub-Postmasters under the General Post Office, Allahabad, who have experience of Town Inspector's work and are senior to the non-Muslims who have been recently appointed ?

(e) If the reply to the above questions be in the affirmative, what action is proposed to be taken to safeguard the interests of Muslims ?

(f) Will Government be pleased to state the length of service and tenure of the office of the two recently appointed Town Inspectors in the Town Inspector's line and of those referred to in part (d) above ?

**The Honourable Sir Frank Noyce** : (a) to (f). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

**NON-APPOINTMENT OF MUSLIMS AS EXTRA-DEPARTMENTAL POSTMASTERS AT ALLAHABAD.**

1023. **\*Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) Will Government be pleased to state the number of extra departmental Postmasters appointed recently under the Postmaster, Allahabad ?

(b) Is it a fact that none of these posts has been given to a Muslim ?

(c) Is it a fact that representations of Muslims for the posts were not entertained, and their names were not even registered ?

**The Honourable Sir Frank Noyce :** (a) to (c). Government have no information. The matter is one within the competence of the Head of the Circle to whom a copy of the question is being sent. I may explain, however, that Government orders as to recruitment do not apply to the posts of extra-departmental agents since these are not included in the cadres of whole time Government posts.

**Mr. M. Maswood Ahmad :** May I ask, Sir, whether they will get any information from the Department concerned ?

**The Honourable Sir Frank Noyce :** If the Honourable Member is anxious to have it, I will do so.

COMMUNAL REPRESENTATION OF THE INFERIOR SERVANTS IN THE ALLAHABAD  
GENERAL POST OFFICE.

1024. **\*Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) Will Government be pleased to state the communal representation of the inferior and lower-grade staff in each scale in the Allahabad General Post Office and its Sub-Offices ?

(b) How many vacancies in each cadre occurred during the years 1928 to 1932 in the Allahabad General Post Office and its Sub-Offices and how many of these were given to Muslims in a permanent, officiating and temporary capacity ?

(c) Were Government orders about the third vacancy rule followed in the General Post Office, Allahabad, and if not, why not ?

**The Honourable Sir Frank Noyce :** (a) Government regret that information as to communal representation in each scale of the inferior service in the Allahabad General Post Office and its Sub-Offices is not available. There were, however, altogether 74 inferior servants in these offices on the 31st December, 1932, of whom 65 were Hindus and 9 Muslims.

(b) and (c). Government regret that the information is not readily available. If, however, the Honourable Member will bring to my notice any specific and authenticated instances of the non-observance of the recruitment orders in recent years I will gladly enquire into the matter.

ADH-KUMBH MELA, HARDWAR.

1025. **\*Mr. Muhammad Azhar Ali :** (a) Will Government please lay on the table a statement showing :

- (i) the total expenditure incurred by the East Indian Railway Administration on the Kumbh Mela, 1927, and Adh-Kumbh Mela, 1933 at Hardwar ;
- (ii) the total inward traffic (excluding Rishikesh Branch) at both these Melas and the Solar Eclipse Fair, 1933, together with the corresponding figures of the said period in 1932 ;
- (iii) the strength of the staff at these three Melas and the period of duration of the posting of extra staff for the purpose, with the total expenditure incurred on each Mela ?



(b) Are Government satisfied that the expenditure incurred during Adh-Kumbh Mela, 1933, was justified ? If not, what action do Government propose to take against such squandering of the public money ?

**Mr. P. R. Rau :** With your permission, Sir, I shall reply to questions No. 1025 to 1027 together. I shall collect whatever information is readily available with regard to questions Nos. 1025 and 1027 and lay a reply on the table in due course. As regards question No. 1026, the number of Melas, regarding which information is required cannot be small, and Government do not consider that the expense involved in collecting these reports and printing them in the debates of the House is justified.

**Mr. Gaya Prasad Singh :** May I know, Sir, what is the reply of the Government with regard to part (b) of question No. 1027 ?

**Mr. P. R. Rau :** I am collecting the information.

#### MELAS HELD AT PLACES IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

†1026. **\*Mr. Muhammad Azhar Ali :** Will Government be pleased to lay on the table a copy of the working reports of the Melas held at places situated within the jurisdiction of the Divisional Superintendent, Moradabad Division, East Indian Railway, during the period from the 1st January, 1933, to the period ending the 31st August, 1933 ?

#### ADH-KUMBH MELA, HARDWAR.

†1027. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware whether it is a fact that the Adh-Kumbh Mela, 1933, was held at Hardwar, East Indian Railway on the 13th April, 1933 ? If so, (i) who was directly in charge of the Railway administration at Hardwar ; (ii) what classes and number of staff were employed there ; (iii) what was the net loss to Administration, and (iv) what was the number and nature of complaints, if any, received from the public with the result of their disposal ?

(b) Will Government be pleased to lay on the table a comparative statement of the earnings and expenditure under each head of the Melas of Adh-Kumbh, 1927, 1933 and Kumbh 1927 showing separately, (i) pay and allowances of the staff under each group, i.e., Traffic, Commercial, Power, Engineering, etc., (ii) hire of tents, chouldaries, etc., (iii) construction of temporary quarters for staff, (iv) haulage of officers' carriages, (v) haulage and hire of four wheel first class carriage for Mr. Amar Nath Logwany and family for the days it remained at Hardwar, (vi) consumable stores, (vii) kerosene oils, (viii) purchase of high power kitson are lamps, (ix) electric installation and current consumption, (x) temporary construction of cabins, platforms, etc. ?

(c) Is it a fact that the passenger traffic was only 65,000 (sixty-five thousands) in excess of ordinary traffic for the corresponding period during the year 1932 ? If it is not so, (i) what was the inward and outward traffic respectively at Hardwar excluding side traffic to and from Rikhikesh, (ii) what was the inward and outward traffic at Rikhikesh, (iii) what was the number of Special trains which arrived at Hardwar, and (iv) what was

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†For answer to this question, see answer to question No. 1025.

the number of Special trains which left Hardwar, with the number of passengers in each train, together with the number of engines attached to each ?

(d) Is it a fact that 17 engines remained on steam for more than 48 hours and that due to lack of traffic no Special could be arranged ? If it is not so, will Government please lay on the table a copy of the time table of the Specials which were to be run during Adh-Kumbh Mela, 1933, issued and circulated under the signature of Mr. A. H. Hollis, in which no less than 26 Specials were to run during 24 hours each day ?

(e) Is it a fact that the time table of Special trains was never adhered to and that the public was put to much inconvenience and harassment ? If so, who is responsible for an unworkable time table and what action has been taken against the officer for such gross inefficiency ?

(f) Is it a fact that the Sawan and Solar Eclipse Mela 1933 was much more successful than the Adh-Kumbh Mela, 1933 ? If not, what was the expenditure incurred and the earnings, derived from these two Melas respectively, and what was the strength of the staff employed during these two Melas respectively ?

RECRUITMENT OF BENGAL MUSLIMS IN SERVICES UNDER THE GOVERNMENT OF INDIA.

1028. \***Mr. S. C. Mitra** (on behalf of Mr. Muhammad Anwar-ul-Azim) : (a) With reference to the replies to starred questions Nos. 636 and 637 by Mr. S. C. Mitra, will Government please state whether they did not accept the resolution of Sir Devaprasad Sarbadhikari on the 10th March, 1923, with regard to the recruitment of the subordinate staff in the Government of India offices and that no province or a class of people should have preponderance in any branch or office thereunder ?

(b) Is it a fact that there is a preponderance of any province or class in the Government of India offices ? If so, what measures have they adopted to remove the same ?

(c) Is it a fact that the Bengal Musalmans form 35 per cent. of the Muslim population in India ? If so, what steps have Government taken so far for the representation of the Bengal Mussalmans in the services subordinate, judicial and administrative under the control of the Government of India ?

**The Honourable Sir Harry Haig** : (a) and (c). In the Resolution adopted by the Legislative Assembly on the 10th March, 1923, it was recommended that Government should take steps to prevent the preponderance of any one community or province in the services under their control. After careful examination, the Government of India decided that it was not practicable to take special measures to redress inequalities of provincial representation in Central Services which are recruited on an All-India basis. As regards the first clause of part (c), I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's starred question No. 636 on the 5th instant.

(b) As regards the preponderance of any class in the Government of India Offices, I would refer the Honourable Member to the annual

statements showing the communal composition of the staff which are placed in the Library of the House.

#### ABOLITION OF THE EMPIRE MARKETING BOARD.

1029. **\*Sir Leslie Hudson :** (a) Are Government aware of the decision of His Majesty's Government to abolish the Empire Marketing Board ? Is it not a fact that the Board's activities have been of increasing benefit to India in recent years ?

(b) Have Government made any representations to His Majesty's Government in connection with this decision, and if so, what are those representations ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) No, Sir ; I may, however, state for the information of the Honourable Member that although the Empire Marketing Board will cease to exist after the 30th September, 1933, some of the important functions performed by it, *viz.*, (1) the preparation of periodical market intelligence notes, and (2) the carrying out of world surveys of production and trade, will after that date be carried on by the existing Imperial Economic Committee. The question of agricultural research activities which might in future be conducted on a co-operative basis will be considered by the Executive Council of the Imperial Agricultural Bureaux. In this connection, I would invite the Honourable Member's attention to paragraph 358 of the Report of the Imperial Committee on Economic Consultation and Co-operation, 1933, a copy of which is in the Library.

**Mr. F. E. James :** Am I to understand that all the propaganda activities associated with the Empire Marketing Board are to be discontinued ?

**Mr. G. S. Bajpai :** So far as I am aware, that is the position except to the extent that the Imperial Economic Committee may take over the work.

**Dr. Ziauddin Ahmad :** May I ask, Sir, whether there was any Indian in this Marketing Board and whether there would be any Indians on the Committee which this Marketing Board would replace ?

**Mr. G. S. Bajpai :** The Empire Marketing Board works through various Committees and the High Commissioner for India in London or his Trade Commissioner were associated with its important Committees or in the Board itself.

**Dr. Ziauddin Ahmad :** Will the Government of India inform the House of the reasons for abolishing this Marketing Board when it is admitted that it has been doing important work ?

**Mr. G. S. Bajpai :** The position is explained in the report of the Committee to which I have referred. The main reason is that the Empire Marketing Board had been financed exclusively by His Majesty's Government in the United Kingdom and they feel that they are not in a position to continue the burden of financing it alone.

**Dr. Ziauddin Ahmad :** Did they approach the Government of India to share the cost ?

**Mr. G. S. Bajpai :** The matter was considered, as a result of recommendations made at Ottawa, by a Committee which was representative of the various Empire Governments and the conclusion reached was the one which is set out in the report.

**Dr. Ziauddin Ahmad :** Did they approach the Government of India to pay the proportionate cost of the Marketing Board ?

**Mr. G. S. Bajpai :** The position is that the report of this Committee is under consideration by the various Governments at the present moment, but the representatives of the various Empire Governments in London appear to have made it clear that they were not prepared to finance the Empire Marketing Board on the basis on which His Majesty's Government have been doing it.

**Mr. F. E. James :** Did I understand the Honourable Member to say in answer to part (b) of the question that the Government of India have made no representations in the matter to His Majesty's Government ?

**Mr. G. S. Bajpai :** That is perfectly true. The Government of India did not represent that the Empire Marketing Board should continue.

**Mr. F. E. James :** Were the Government of India consulted either through the High Commissioner or through their representatives on the Economic Committee ?

**Mr. G. S. Bajpai :** The Government of India were represented by Sir Atul Chatterjee and Sir Padanji Ginwala on the committee of the representatives of the various Empire Governments which considered the whole question of the activities of these various imperial bodies such as the Empire Marketing Board, the Economic Committee, the Imperial Agricultural Bureau, etc.

**Mr. F. E. James :** Did they report to the Government of India and is there any available information as to the views which the representatives of the Government of India put forward in connection with the abolition of the Empire Marketing Board which is of very great importance to India ?

**Mr. G. S. Bajpai :** The report of the Imperial Committee on economic consultation and co-operation is unanimous and represents the views of all the Empire Governments including the views of the representatives of the Government of India.

**Mr. F. E. James :** May I take it that the Government of India have acquiesced in the proposal to abolish the propaganda activities of the Empire Marketing Board ?

**Mr. G. S. Bajpai :** I have said that it does not imply the complete cessation of the publicity activities of the Empire Marketing Board. Some work which was being done by the Empire Marketing Board will continue to be done by the Imperial Economic Committee.

#### DELAY IN THE ISSUE OF THE REPORTS OF LOCAL RAILWAY ADVISORY COMMITTEES.

1030. **\*Mr. J. Ramsay Scott :** (a) Are Government aware that the reports of Local Railway Advisory Committees for the quarters ending the 30th September, 1932 (No. 13), and the 31st December, 1932 (No. 14), have only been issued this Session ?

(b) Will Government please state the reason for the delay in issuing these publications ?

(c) Will Government please state when the quarterly reports for March 31, 1933 (No. 14) and for June 30, 1933 (No. 15) will be issued ?

**Mr. P. R. Rau :** (a) Yes.

(b) Government regret the delay in the issue of these publications and have taken steps to expedite them in future.

(c) The report for the period ending March, 1933, is in print and that for the next quarter is under compilation.

#### RUNNING OF A THROUGH BOGIE BETWEEN LUCKNOW AND BOMBAY.

1031. **\*Mr. J. Ramsay Scott :** (a) Have Government received a copy of a letter dated the 24th August, 1933, from the Upper India Chamber of Commerce, Cawnpore, addressed to the Agent, Great Indian Peninsula Railway, Bombay (Receipt acknowledged in the Deputy Director, Railway Board's No. 4013-T. of September, 1933) ?

(b) Have Government seen the reply from the Secretary to the Agent, Great Indian Peninsula Railway, Bombay, No. 14041, dated the 29th August, 1933, to the Secretary, Upper India Chamber of Commerce, Cawnpore ?

(c) Are Government aware that no reply is given to the specific enquiry for information regarding a first, second and third class composite bogie which was promised to be put on Bombay-Lucknow mail ?

(d) Is the Agent, Great Indian Peninsula Railway, due to arrive in Simla in the first week of October ?

(e) Do the Railway Board propose to see the Agent, Great Indian Peninsula Railway, when he is in Simla, regarding the reply ?

(f) Are the Railway Board aware of the great inconvenience caused to the public of Lucknow and Cawnpore by having to change at Jhansi when travelling by the Mail between Lucknow and Bombay and *vice versa* ? If so, do they propose to inform the Agent, Great Indian Peninsula Railway, about the same ?

(g) Are Government aware that in view of the number of passengers travelling and the large amount of merchandise given to the Great Indian Peninsula Railway, the public of the United Provinces consider that the Great Indian Peninsula Railway should improve the service between Lucknow and Bombay ? Are the Railway Board prepared to take this matter up with the Agent, Great Indian Peninsula Railway ?

**Mr. P. R. Rau :** (a) and (b). I am obliged to my Honourable friend for copies of these communications.

(c) The Agent's reply shows that he is prepared to meet a deputation in Bombay and his intention is no doubt to discuss the matter fully on that occasion.

(d) Yes.

(e), (f) and (g). The Railway Board have already been in communication with the Agent on this subject, and I shall be glad to bring these questions again to his notice.

REVISION OF THE TIMINGS OF THE GRAND TRUNK EXPRESS BETWEEN MADRAS AND DELHI.

1032. \***Mr. T. N. Ramakrishna Reddi** : (a) Will Government be pleased to state if it is a fact that it is proposed to revise the timings of the Grand Trunk Express between Madras and Delhi and *vice versa* ?

(b) Is it proposed to take a longer time during the journey between Bezvada and Madras ?

(c) Is it proposed to start the Express from Delhi much earlier than at present ?

(d) Will Government please state if the saving in time proposed to be obtained is mostly spent in stopping at a larger number of stations *en route* ?

(e) Do Government propose to consider the question of speeding up the trains so that they may leave Madras or Delhi at least two hours later than they do at present and arrive at Delhi or Madras an hour or two earlier, not stopping at unimportant places *en route* ?

**Mr. P. R. Rau** : (a) Yes ; from October 1st, the journey each way will take about 2½ hours less than at present.

(b) The time will be the same as at present.

(c) 1½ hours earlier.

(d) From the reply to part (a) of this question, my Honourable friend will notice that this is not so.

(e) The proposed timings are as follows :—

North bound.		South bound.	
Madras departure	9.20	Delhi departure	16.30
Delhi arrival	10.00	Madras arrival	15.20

MUNICIPAL ADMINISTRATION OF AJMER CITY.

1033. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to the proceedings of a public meeting held in the Ajmer Town Hall on the 2nd September ; and published in the *Hindustan Times*, dated the 5th September, 1933, severely condemning the municipal administration of Ajmer City ?

(b) Do Government propose to appoint an enquiry committee, as suggested, or take any other step in the matter ?

**Major W. K. Fraser-Tytler** : (a) Yes.

(b) An enquiry on the subject has been made from the Local Administration, and a reply will be laid on the table in due course.

DISCHARGE OF RAILWAY EMPLOYEES IN CERTAIN DEPARTMENTS IN THE DINAPORE DIVISION.

1034. \***Pandit Satyendra Nath Sen** : (a) Is it a fact that quite a large number of non-gazetted Railway servants have been discharged during recent years in Traffic, Engineering, and Locomotive Departments in Dinapore Division ?

(b) If so, what is the approximate number in each Department during 1932 and 1933 ?

(c) How many of the discharged servants have been re-instated ?

(d) How many of them have been discharged on suspicion and how many under specific charges against them ?

(e) In how many of such cases as mentioned in part (d) were joint enquiries made and appeals allowed under the rules framed by the Railway Board ?

**Mr. P. R. Rau :** (a) to (e). I shall obtain whatever information is readily available and shall place a reply on the table.

# INADEQUATE REPRESENTATION OF MUSLIMS ON THE CANTONMENT BOARD, POONA.

1035. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** Will Government be pleased to state :

(a) the population figures of the following communities in the local area of the Poona Cantonment Authority :

- (i) Hindus,
- (ii) Muslims,
- (iii) Christians, and
- (iv) Parsis ;

(b) the number of seats allotted to the four communities on the Cantonment Board, Poona ;

(c) whether it is a fact that the Hindus whose voting strength is 500 are given three seats, while the Muslims with a voting strength of 400 are given only one seat on the above Board ;

(d) if so, the reasons for the poor representation of Muslims on the Board ;

(e) whether it is a fact that some representations have been made to the Officer Commanding, Poona Brigade Area, for at least nominating a Muslim on the Board with a view to give adequate representation to this important community ; and

(f) if so, the action taken or proposed to be taken by Government in the matter of rectifying the anomaly of the inadequate Muslim representation on the Board ?

**Mr. G. R. F. Tottenham :** (a) to (d) and (f). Government have no information and do not propose to call for a report. Under section 31 (a) and (b) of the Cantonment Act, the question of the division of the inhabitants of the Cantonment into classes and the determination of the number of members to be elected by each class of persons, is the concern of the Local Government to whom a copy of the question is being sent.

(e) The proviso to section 14 (1) (e) Cantonment Act does not allow the nomination of a person to represent any community which is already represented.

ARTICLE IN THE *Indian Railway Gazette* AGAINST THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

1036. \*Mr. K. P. Thampan : (a) Will Government be pleased to state whether their attention has been drawn to an article in the July issue of the *Indian Railway Gazette* on the Standing Finance Committee for Railways ?

(b) Are Government aware that the members of the Standing Finance Committee are stated by the writer to be "ignorant of Railway needs", "that they are very stupid people" and require "more intelligence" and that they should append to reports their "assinine observations" ?

(c) What action do they propose to take against the editor of the *Gazette* ?

(d) Are Government paying any subsidy to the *Indian Railway Gazette* either by cash payment or by way of subscription and advertisement charges ? If so, what is the amount paid during the last three years ?

Mr. P. R. Rau : (a) Yes.

(b) Government are aware of these criticisms which they consider to be unjustified. As Chairman of the Standing Finance Committee I can testify to the valuable help I am constantly receiving from the members of the Committee and to the great care and attention which they bestow on the examination of all questions placed before them.

(c) Government consider that the article is deplorable in tone and would like to add that in their view it should always be possible to indulge in criticism without at the same time offending against the canons of ordinary courtesy and good taste. They consider, however, that in all the circumstances it is best to take no notice of the article in question. I may add that the members of the Standing Finance Committee at their last meeting were unanimously of the same opinion.

(d) Government do not pay any subsidy of any sort to the *Indian Railway Gazette*, but subscribe for one copy of it, the subscription being Rs. 10 per annum. I have noticed certain railway tender notices in the advertisement columns of the paper.

PROPOSED TRANSFER OF ONE SUDHANSU RANJAN SEN, A POLITICAL PRISONER, TO THE ANDAMANS.

1037. \*Mr. S. C. Mitra : (a) Is it a fact that one Sudhansu Ranjan Sen, a political prisoner, is being sent to the Andamans ?

(b) Is it a fact that the said prisoner is at present suffering from pharyngitis and tuberculosis ?

(c) Is it a fact that he is suffering from serious eye troubles also ?

(d) Will Government be pleased to state whether the said political prisoner was sent up for medical examination before it was decided to send him to the Andamans ? If not, why not ?

(e) Is it a fact that the jail authorities asked the father of the prisoner to supply spectacles for the said prisoner ?



(f) Is it a fact that the said prisoner has lost 25 pounds weight due to suffering from tuberculosis while in the Rajshahi jail ?

(g) Do Government propose to cancel the order of his transfer to Andamans ? If not, why not ?

**The Honourable Sir Harry Haig :** (a), (d) and (g). Sudhansu Kumar Sen Gupta was selected for despatch to the Andamans but was held back on the recommendation of the Medical Board because he was temporarily unfit.

(b), (c), (e) and (f). No.

#### CONVERSION OF THE NOAKHALI POST OFFICE INTO A SUB-POST OFFICE.

1038. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Head Post Office at Noakhali has been converted into a Sub-Post Office ?

(b) Is it a fact that the District Bar Association, Noakhali, made several representations to the postal authorities including the Postmaster General, Bengal, against such conversion ?

(c) Will Government be pleased to state the reasons why this Head Post Office has been converted to a Sub-office ?

(d) Are Government aware of the difficulties and hardships to which the public of Noakhali has been subjected by such conversion ?

(e) Do Government propose to remove the grievances of the Noakhali public by restoring the Head Post Office to that town ? If not, why not ?

(f) Are Government aware that a large number of District Board and landlord fee money orders, landlord fee notices and civil court notices are received at the post office for postal money orders and registration ? If not, do they propose to enquire as to the number of such transactions in a year ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) to (f). Government have no information. The matter is within the competence of the Head of the Circle concerned to whom a copy of the question is being sent.

#### ALLEGATIONS AGAINST THE CALCUTTA PORT TRUST.

1039. **\*Mr. S. C. Mitra :** Are Government aware that there is a strong feeling amongst the public that Port Trust, Calcutta, ignores the Government of India control ?

**The Honourable Sir Joseph Bhore :** Government are not aware of any such feeling. The Commissioners for the Port of Calcutta exercise the powers conferred upon them by the Calcutta Port Act, 1890, in accordance with the provisions of that enactment.

**Mr. S. C. Mitra :** Are not the Government of India aware that even as regards policy of Indianisation the Port Trust is not following the general policy of the Government of India ?

**The Honourable Sir Joseph Bhore :** That is rather a difficult matter to pronounce an opinion upon. I would not like to pronounce an opinion.

**Mr. S. C. Mitra :** Are not the Government of India aware of the strong feeling among Indians on this point in regard to Indianisation ?

**The Honourable Sir Joseph Bhore :** I think that matter has been more than once brought to notice.

**Dr. Ziauddin Ahmad :** I take it that the Honourable Member is considering this matter.

**The Honourable Sir Joseph Bhore :** My Honourable friend has to realise that the Port Trust is given certain powers within which they are at liberty to act, and the power of the Government of India to interfere is limited.

#### ECONOMY AND RETRENCHMENT IN THE CALCUTTA PORT TRUST.

1040. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the article headed "Economy and Retrenchment in the Calcutta Port Trust" published in the *Advance*, of July 5th, 1933? If so, what action do Government propose to take against the Calcutta Port Trust to remove the grievances noted therein?

(b) Do Government propose to redress the grievances of the staff mentioned in the said article?

**The Honourable Sir Joseph Bhore :** (a) I presume the Honourable Member refers to the letter published under that caption on the date mentioned. That letter deals with two matters, namely, the stores purchase policy of the Port Commissioners, Calcutta, and the labour contract given by them to Messrs. Bird and Company, Calcutta. As regards the former, Government do not propose to take any action as the Port Commissioners have full power to make their own purchases without interference by Government. As to the latter, the attention of the Honourable Member is invited to the reply given to Mr. Gaya Prasad Singh's starred question No. 375 in the Legislative Assembly on the 1st September, 1933.

(b) I have not been able to discover any reference to the grievances of the staff in the letter in question.

#### ALLEGATIONS AGAINST THE CALCUTTA PORT TRUST.

1041. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the article headed "Port Commissioners and Stores purchase, Government explanation of non-protective policy" published in the *Advance*, dated the 26th May, 1933?

(b) Do Government propose to enquire into the allegations and remove the grievances mentioned therein?

(c) Has the attention of Government been drawn to the article headed "Retrenchment in the Calcutta Port Trust" published in the *Advance*, dated the 14th July, 1933? If so, will Government be pleased to state whether they propose to investigate the allegations made therein and remove the grievances mentioned? If not, why not?

**The Honourable Sir Joseph Bhore :** (a) Yes, Sir.

(b) The attention of the Honourable Member is invited to the answer given by me just now to part (a) of his starred question No. 1040.

(c) Yes, Sir, the attention of Government has been drawn to the article or rather the letter referred to, but the power to appoint, dismiss

or dispense with the services of the clerical and menial staff in question vests entirely in the Port Commissioners and the Government do not propose to interfere.

**PUBLIC SERVICE COMMISSION EXAMINATION FOR RECRUITMENT OF CLERKS FOR THE GOVERNMENT OF INDIA.**

1042. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Public Service Commission propose to hold a competitive examination for the recruitment of Government of India clerks? If so, is it a fact that nine posts are reserved for ladies? If so, what is the number of total vacancies expected to be filled on the results of this examination, out of which nine vacancies have been reserved for ladies?

(b) Is it a fact that Government have laid down that candidates who have failed at two previous examinations will not be allowed to sit at the forthcoming examination, even if such candidates are otherwise eligible? If so, do Government propose to remove this bar? If not, why not?

**The Honourable Sir Harry Haig :** (a) The answer to the first two parts is in the affirmative. As stated in the notice issued in the Supplement to the Gazette of India, dated the 12th August, 1933, the number of vacancies to be filled on the results of the examination is not yet known definitely, but it is expected that it will not be less than fifteen.

(b) The answer to the first part is in the affirmative. The restriction referred to by the Honourable Member was imposed after due consideration and Government do not propose to remove it.

**Dr. Ziauddin Ahmad :** Are the lady candidates to be included among the minorities who share one-third seats reserved for the minority communities?

**The Honourable Sir Harry Haig :** I think, if my Honourable friend wishes to pursue this question, he had better address it to my Honourable friend, the Army Secretary, who is the expert on this matter.

**Mr. S. C. Mitra :** May I take it that lady candidates include not only Anglo-Indians, but also Indians?

**Mr. G. R. F. Tottenham :** Indian ladies are also equally eligible.

**ECONOMY AND RETRENCHMENT IN THE CALCUTTA PORT TRUST.**

1043. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to an article "Economy and retrenchment in Calcutta Port Trust—Fairness sacrificed at the altar of favouritism" published in the *Advance*, dated the 28th June, 1933?

(b) Are Government prepared to enquire into all the allegations made therein and state how far the statements made therein are correct and how far incorrect? If not, why not?

**The Honourable Sir Joseph Bhoré :** (a) Yes, Sir.

(b) Government have already enquired into the question of the appointment of an outsider as Assistant Yard Superintendent. It appears that the Commissioners for the Port of Calcutta found it necessary to revive this post and though they are usually opposed to filling

appointments by outsiders they considered such action necessary in this particular case. As regards the other matters referred to in the article mentioned by the Honourable Member, I would invite his attention to the reply I have just given to part (c) of his starred question No. 1041 and the reply given by me on the 1st September, 1933, to Mr. Gaya Prasad Singh's starred question No. 375.

ILLNESS OF PROFESSOR J. C. GHOSH, A POLITICAL PRISONER.

1044. **\*Mr. Bhuput Sing :** Has the attention of Government been drawn to the article headed "Condition of professor J. C. Ghosh—Bengal Government's statement", published in the *National Call*, dated the 7th September, 1933? If so, will they be pleased to state whether Professor J. C. Ghosh, a political prisoner under Regulation III, is suffering from paralysis, and if so, when did he get it, and do Government propose to release the said political prisoner for better medical aid and treatment?

**The Honourable Sir Harry Haig :** I have seen the newspaper report to which the Honourable Member draws attention. My inquiries from the Local Government show that the State Prisoner is not suffering from paralysis. The other parts of the question do not arise.

RECRUITMENT OF DEPUTY FINANCIAL ADVISERS.

1045. **\*Mr. Bhuput Sing :** (a) Is it a fact that five Deputy Financial Advisers have been recruited from the Military Accounts Department? If so, are Government aware that all these officers overlook the claims of the men of the Military Finance Secretariat in favour of the men from the Military Accounts Department?

(b) Do Government propose to appoint one of the Assistant Financial Advisers, who does not belong to the Military Accounts Department, as the Establishment Officer by transferring the present Establishment Officer to some other branch of the Military Finance Department?

**The Honourable Sir George Schuster :** (a) The reply to the first part is in the affirmative and to the second part in the negative.

(b) No.

AUDIT CONTROL OF FURNITURE, ETC., OF THE GOVERNMENT OF INDIA DEPARTMENTS.

1046. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether there is any rule by which junior officers of the Government of India are entitled to take office furniture and carpets to their private residences either in Simla or Delhi?

(b) Is there any system of audit control of the furniture, carpets and durries of the different Departments of the Government of India? If so, what are the methods of control used by the Government of India?

(c) Will Government be pleased to state how many carpets and durries were purchased by the Military Finance Department since 1921 and how many have been sold and how many are being used in the office of the Military Finance and how many are unaccounted for?

**The Honourable Sir George Schuster :** (a) No.

(b) No, as regards the first part. As regards the second part, the Heads of Departments are expected to maintain inventories of furniture, etc., in possession of the Department.

(c) Sixteen carpets (the last purchased in 1926) and 29 durries. None have been sold. All except three carpets and five durries are actually in office use. All are accounted for.

**TENDERS FOR FURNITURE SUPPLIED TO THE MILITARY FINANCE DEPARTMENT.**

1047. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether tenders are invited by the Military Finance Department when furniture is purchased for the office and whether Messrs. Gopinath and Company, the contractor for the Military Finance Department, became a contractor by the tender system or whether the firm was appointed by the Establishment Officer ?

(b) Is it a fact that the record boxes were supplied by Messrs. Gopinath and Company, to the Military Finance Department in the year 1932 ? If so, what was the number of such record boxes and the total cost of such boxes ?

(c) Is it a fact that in the first journey from Delhi to Simla most of the boxes were broken and had to be rejected ? If so, what steps did the Establishment Officer take against the firm for such loss to Government ?

**The Honourable Sir George Schuster :** (a) Furniture is rarely purchased by the Military Finance Department. Such articles as may be required from time to time are usually made by the office carpenter. Within recent years certain small stationery cabinets and chairs were purchased from Messrs. Gopi Nath and Company, Delhi, as their rates were the cheapest obtainable in the market. This firm is not the contractor for the Military Finance Department, but it is believed to enjoy a considerable patronage among the offices of the Government of India. It is not the practice to call for tenders for petty and occasional supplies of furniture.

(b) The reply to the first part is in the affirmative. As regards the second part, 50 record boxes at a total cost of Rs. 550 were ordered. The rate, viz., Rs. 11 per box, which included painting and numbering was considerably lower than the quotations of various office carpenters which were in the region of Rs. 16 per box.

(c) Certain boxes were damaged owing to rough handling in transit ; and the Establishment Officer succeeded in having them repaired by the firm without any extra expense to the Government.

**Sir Cowasji Jehangir :** Will the Honourable Member kindly tell me what proportion of the cost of the articles referred to in the answer is the cost of the reply to this question ?

**The Honourable Sir George Schuster :** I am afraid the Honourable Member must wait until the next Session for a full reply.

**EXTENSION GIVEN TO THE ESTABLISHMENT OFFICER OF THE MILITARY FINANCE DEPARTMENT.**

1048. **\*Mr. Bhuput Sing :** Is it a fact that the present Establishment Officer of the Military Finance Department is under extension ? If so, will Government be pleased to state why in these days of retrenchment he has been given an extension when Government is seriously thinking of retiring the men serving under the old rates of pay at the earliest possible date provided in the rules ?

**The Honourable Sir George Schuster :** The reply to the first part is in the negative. The question in the second part does not arise.

**DEPUTATION OF MEN FROM THE MILITARY ACCOUNTS DEPARTMENT.**

1049. **\*Mr. Bhuput Sing :** (a) Is it a fact that a large number of men of the Military Accounts Department are being employed in the Military Finance and that they are shown on 'deputation' ? If so, will Government be pleased to state whether such men are paid deputation allowance over and above the pay and other allowances such men are entitled to in the Headquarters of the Military Accounts ?

(b) Is it a fact that the men on deputation from the Military Accounts Department to the Military Finance draw more salary than they would have been entitled to if such men would have been recruited permanently in the Military Finance ?

(c) Will Government be pleased to state the different kinds of allowances and the different sums of each of such allowances that are paid to those men shown on deputation at present from the Military Accounts Department to the Military Finance Department over and above their actual pay ?

**The Honourable Sir George Schuster :** (a) Five men of the Military Accounts Department are on deputation in the Military Finance Department, which has a total staff of over 100. They receive no deputation allowances.

(b) Yes.

(c) I lay a statement on the table showing the pay and allowances admissible to men on deputation in the Military Finance Department.

The section to which these men are on deputation was transferred *en bloc* from the Military Accounts Department in 1925. They draw the rates of pay to which they would be entitled under the rules if serving in the office of the Military Accountant General. The only exception is the Assistant-in-Charge who gets the usual special pay of Rs. 100 per mensem for the control of a section, in addition to his emoluments in the Military Accountant General's office.

*Statement showing the pay and allowances admissible to men on deputation in the Military Finance Department.*

							Rs.
1 Accountant	..	..	Pay ..	..	..	..	400
			Duty allowance	..	..	..	100
			Special pay	..	..	..	100
			Local allowance	..	..	..	80
							<hr/> 780
1 Accountant	..	..	Pay	..	..	..	230
			Local allowance	..	..	..	70
			Duty allowance	..	..	..	46
							<hr/> 346
1 Clerk	..	..	Pay ..	..	..	..	150
			Local allowance	..	..	..	65
							<hr/> 215
1 Clerk	..	..	Pay	..	..	..	205
			Local allowance	..	..	..	70
							<hr/> 275
1 Clerk	..	..	Pay ..	..	..	..	195
			Local allowance	..	..	..	65
							<hr/> 260

**APPLICATIONS FOR LEAVE BY THE GUARDS ON THE EAST INDIAN RAILWAY.**

1050. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that the application for leave by the Guards over the East Indian Railway are always to be made through the Station Master of their Headquarters ?

(b) Will Government be pleased to state the number of applications for leave by Guards which were received by the Station Master, Gaya, during the year 1932, and the number of cases in which leave was refused by the said Station Master ?

(c) Will Government be pleased to state whether in such case, of refusal of leave to the Guards by the Station Master, the applicants cannot under the rules apply direct to the Divisional Superintendent for grant of leave and whether under the rules the Divisional Superintendent can grant leave to subordinate staff when they apply direct to him for such leave ?

(d) Will Government be pleased to state whether the application for leave direct to higher railway authorities contravenes any of the Railway Servants' Conduct Rules ? If so, will Government be pleased to quote the rule ?

(e) Is it a fact that for such a technical offence as applying for leave direct to the Divisional Superintendent, a Guard at Gaya station has been

dismissed ? If so, will Government be pleased to state whether the applicant for such leave violated the Railway Servants' Conduct Rules, or whether the officer granting leave on such direct applications violated the Railway Servants' Conduct Rules ?

**Mr. P. B. Rau :** (a), (b), (c) and (e). Government have no information but have sent a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

(d) The Government Servants' Conduct Rules do not deal with questions of procedure about applications for leave ; but ordinarily a Government servant's application for leave is made to his immediate superior.

#### RETIREMENT OF SUPERANNUATED MEN FROM GOVERNMENT SERVICE.

1051. **\*Mr. D. K. Lahiri Chaudkury :** (a) Will Government be pleased to lay on the table a statement showing the number of men with 30 years' service or more and of 55 years age or more (i) in the different Departments of the Government of India and Attached Offices, (ii) in each of the different Railway Offices, and (iii) in the Posts and Telegraphs Department ?

(b) Do Government propose to retire such men from all Government posts for relieving to a certain extent the hardships of the unemployed young men of India ? If not, will Government be pleased to state the reason why they do not propose to retire all such superannuated men from Government service ?

(c) Are Government aware that by adopting the suggested course in all Government services a great opening will be made for educated young men throughout the country, and that it may lead to removing to a great extent the general cry of unemployment ?

(d) Will Government be pleased to state whether they have under consideration a proposal to retire compulsorily all persons who have put in 25 years' service or more ? If so, have they come to any decision in the matter ? If so, what is the decision ?

(e) Will Government be pleased to state whether there will be any actual saving to the country by adopting the procedure of retiring men with 25 years' service or more on half pension and by recruiting men in their places on new and lower rates of pay ?

**The Honourable Sir George Schuster :** (a) Government have not got the information readily available and do not consider its collection would be worth the time and labour involved.

(b) No. Officers of the first category cannot be compulsorily retired before they reach the age of superannuation unless reductions are being made in the number of posts in the cadre of their service or they are personally inefficient. As regards officers of the second category, I would refer the Honourable Member to clauses (a) and (b) of rule 56 of the Fundamental Rules, a copy of which is in the Library of the House.

(c) Government are unable to express an opinion.

(d) Government have no such proposal under consideration.

(e) In most cases the immediate saving in salaries would be counter-balanced by the addition to pensionary charges. Government have no



power to retire officers on half-pension as a means of economy and furthermore it is not part of Government policy of retrenchment to discharge officers and replace them by officers of the same grade on lower rates of pay.

**ASSAULT BY A GURKHA SEPOY ON SOME PROFESSORS OF A BARISAL COLLEGE.**

1052. **\*Pandit Satyendra Nath Sen :** (a) Is it a fact that on or about the 2nd September, 1933, some Professors of the B. M. College, Barisal (Bengal), were assaulted by a Gurkha sepoy on a public road in the town ?

(b) Has any enquiry been made into the case ?

(c) If so, by whom and with what result ?

**Mr. G. R. F. Tottenham :** (a) to (c). The Government of India have no information. No troops are stationed at Barisal.

**CERTAIN ALTERATIONS IN THE " D " TYPE ORTHODOX QUARTERS IN NEW DELHI.**

1053. **\*Mr. S. G. Jog :** (a) Are Government aware that the floor area of ' D ' type orthodox quarters in New Delhi is hardly as much as that of the floor area of garage and servant quarters of big bungalows for officers ? If not, will they please state its proportions ?

(b) Are Government aware that owing to the allotment of very small area for this type of quarters, the court-yard of the quarters is left comparatively very little after providing the necessary living accommodation ?

(c) Are Government aware that in a corner of this small court-yard there is a latrine provided for the inmates of the quarters ?

(d) Are Government aware that owing to the very close proximity of the latrines in the ' D ' type quarters, it becomes very difficult to sleep in the court-yard during summer season ?

(e) Are Government aware that owing to the above mentioned difficulty some of the tenants are compelled to sleep in the front common space and thus leave the quarters open to theft, etc., from the back side during the nights ?

(f) Did Government consider the above defect of the quarters when preparing the new plans of this type of quarters, and tried to widen the inner court-yard ? If so, with what result ?

(g) Are Government prepared to remove this great difficulty of the tenants of this type of quarters ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) The information is not immediately available and I do not think that any public purpose would be served by collecting it. Its collection would further entail considerable labour which I consider would not be justified.

(b) The smallest courtyard in the ' D ' type orthodox quarters has an area of 400 square feet, which is considered sufficient for all reasonable requirements.

(c) Yes.

(d) No.

(e) No ; further all doors can be locked and iron bars are provided to all windows.

(f) Government do not consider the size of courtyards in the ' D ' type orthodox quarters as a defect. The suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy.

(g) Does not arise.

**Sardar Sant Singh :** What trouble can there be in finding out the area of a garage in officers' bungalows in order to compare it with the area of the ' D ' type orthodox quarters ?

**The Honourable Sir Frank Noyce :** The reason is that there are various types of officers' bungalows and it will involve trouble to collect the information for all of them.

**Sardar Sant Singh :** Where is the difficulty of comparing it, specially when the question mentions the ' D ' type orthodox quarters and the floor space therein ?

**The Honourable Sir Frank Noyce :** If the Honourable Member is anxious to have a comparison made, I am prepared to ask my staff to collect the information.

**Mr. S. G. Jog :** Have Government consulted the persons for whom these quarters are meant as to what their requirements are ?

**The Honourable Sir Frank Noyce :** I doubt whether their requirements, as stated by them, would be quite the same as those Government would be prepared to give them. But I would point out that, in the reply to part (f) of the question, I have said that the suggestions received from tenants regarding these quarters have been incorporated in the new plans so far as they are consistent with reasonable economy. The Honourable Member will see from that that the tenants of these quarters have been consulted.

**Mr. S. G. Jog :** May I know if Government took steps to consult their wishes in this matter ?

**The Honourable Sir Frank Noyce :** I have said that their suggestions have been incorporated. It is, therefore, obvious that they must have been consulted ; or, at any rate, if they were not consulted, they made representations which were duly considered.

#### DISMISSAL OF PUBLIC SERVANTS IN MILITARY EMPLOY.

1054. **\*Mr. S. G. Jog :** Is it a fact that under Rule (V), Appendix XI, Regulations for the Army in India, no permanent public servant in military employ is permitted to be dismissed from service unless he has been allowed an opportunity to know the *charge* against him and to submit his *defence* to the same ?

**Mr. G. E. F. Tottenham :** Yes.

**INDIANISATION OF THE CENTRAL CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.**

1055. **\*Mr. Bhuput Sing :** (a) Has the attention of Government been drawn to the following statement published in the *Hindustan Times*, dated Friday, the 8th September, 1933 ?

“ Might and Right :

An Indian can become the Governor of a Province, a Member of the Governor General's Executive Council and even be the Chief Justice of a High Court, but he cannot be appointed even as a clerk in the cypher branches of the Foreign and Political Department of the Government of India. The difficulty, Sir George Schuster told the Assembly, was that the cypher codes were issued by His Majesty's Government on the understanding that they would be used by British subjects only, the implication being that Indians were not British subjects. But the more important point is that by a ruling of His Majesty's Government, Indians are excluded from appointments, in a Department of the Government of India. And still this very same Government insist on all sorts of commercial and financial safeguards because there is just the possibility of the new Federal Government discriminating against British subjects in India. But consistency is not the virtue of politicians whose only conception of right is their own might.”

(b) If so, will Government be pleased to state whether, in view of the said inconsistency as complained of therein, Government propose to remove the anomaly ? If not, why not ?

**Major W. K. Fraser-Tytler :** (a) The answer is in the affirmative

(b) The answer is also in the affirmative. I may refer the Honourable Member to my reply to the Honourable Mr. Muhammad Muazzam Sahib Bahadur on the 15th. Every effort is being made to open the Central Cypher Bureau as soon as possible to Indians.

**Mr. Uppi Sahib Bahadur :** May I know if the typists of this Department are drawn only from one particular community ?

**Major W. K. Fraser-Tytler :** I am afraid I have no information on that point and shall require notice.

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**UNSTARRED QUESTIONS AND ANSWERS.**

**PROPOSED SHIFTING OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA, TO DELHI.**

122. **Mr. Bhuput Sing :** (a) Is it a fact that Government intend to shift the Government of India Press, Calcutta, from its present location to Delhi ?

(b) Is it a fact that the shifting of the printing machines and establishment from Calcutta, the present location, to Delhi will entail heavy expenditure ?

(c) If the answers to (a) and (b) be in the affirmative, have Government considered whether it is advisable to remove the said Press from Calcutta to Delhi at an abnormal cost ? Is there any difficulty in managing the work at Calcutta ?

**The Honourable Sir Frank Noyce :** (a), (b) and (c): It is the policy of Government to concentrate their ordinary printing work at New Delhi, as they are satisfied that this is desirable both on administrative and on

financial grounds. But any wholesale transfer would involve substantial capital expenditure and the transfer is likely to be effected by gradual stages. The Honourable Member will find further particulars in the proceedings of the Standing Finance Committee, Volume XIII—No. 2, pages 45-46.

INTRODUCTION OF LINO MACHINES IN THE GOVERNMENT OF INDIA PRESSES.

123. **Mr. Bhuput Singh:** (a) Is it not a fact that with the introduction of mono lino machines in 1914 in the Government of India Presses, Calcutta, Delhi, Simla and Aligarh, a large number of compositors and distributors have been reduced?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the exact number of the compositors and distributors reduced from 1922 to 1932, respectively, year by year?

(c) Is it a fact that the mono machines caused to the Government a loss of 40 per cent.?

(d) Is it a fact that matters composed in mono have to be melted away after printing, and that such melting can go on for five times only?

(e) Is it a fact that hand-composed matter lasts 90 lakhs of impressions?

(f) Is it a fact that hand compositors are entitled to remuneration after the first reading, second reading, third reading, revised corrections and rule dress-up are finished?

(g) Will Government be pleased to lay on the table a comparative statement showing the cost of composing by hand 44 × 72 Em non-pareil type 15, column statement, and that of having it in a mono machine, noting specially the charge of:

- (i) Operator,
- (ii) Caster,
- (iii) Arranging,
- (iv) First reading corrections,
- (v) Second Reading Corrections,
- (vi) Third Reading Corrections,
- (vii) Revise corrections,
- (viii) Rule Dress up,
- (ix) Gas,
- (x) Electricity,
- (xi) Water, and
- (xii) Metal?

(h) If the replies to parts (a) and (c) be in the affirmative, will Government be pleased to state why Government have replaced hand composition by mono machines and why these have not been abolished?

**The Honourable Sir Frank Noyce:** (a) A large number were reduced in the Presses at Calcutta, Delhi and Simla during the years 1914—1924.

(b) No record giving this information has been maintained in my Department or in the office of the Controller of Printing and Stationery.

(c) No.

(d) Matter cast in monotype is ordinarily melted after printing and this saves distribution charges. It can be melted many times and can then be rejuvenated at a very low cost for many more remeltings.

(e) Yes.

(f) Yes, if the various operations are necessary.

(g) Owing to the varying factors it is not possible to prepare such a statement in respect of monotype or hand composition.

(h) Does not arise.

#### PRINTING CLEARING OFFICE.

124. **Mr. Bhuput Sing :** (a) Will Government be pleased to state :

(i) When the Printing Clearing Office was started ;

(ii) What is its function ;

(iii) What is the number of men working in it ; and

(iv) The number of officials which compose the management, their respective designations and salaries ?

(b) Will Government be pleased to state how and by whom the work now done by the Printing Clearing Office was managed before its creation ?

(c) Will Government be pleased to state the total annual cost for the maintenance of the Printing Clearing Office ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member is referred to the answer to Mr. S. C. Mitra's identical question No. 249 asked on the 2nd February, 1931. Since that date the office has been merged in the office of the Controller of Printing and Stationery.

(b) The Honourable Member is referred to the answer to Honourable Srijut Lokenath Mukherjee's identical question No. 74 asked in the Council of State on the 23rd August, 1926.

(c) This office does not now exist as a separate office : it is merged in the office of the Controller of Printing and Stationery ; but the approximate annual cost of the staff engaged on the work formerly done by the Printing Clearing Office is Rs. 73,000.

#### MEMORIAL OF INKMEN OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

125. **Mr. Bhuput Sing :** (a) Is it a fact that the inkmen of the Government of India Press, Calcutta, submitted a memorial to the Honourable Member in charge, Department of Industries and Labour, through the proper channel in May, 1933 ?

(b) If the reply be in the affirmative, will the Honourable Member in charge, be pleased to—

(i) furnish this House with the contents of the said memorial ;

(ii) state what action has been taken or is intended to be taken in the matter ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) and (b). I understand that a memorial addressed to the Government of India by certain inkers of the Government of India Press, Calcutta, praying that their service may be classified as superior has been received by the Controller. The question is at present engaging his attention and will be considered by Government when his proposals are received.

**MEMORIAL OF TEMPORARY PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

**126. Mr. Bhuput Sing :** (a) Is it a fact that the temporary piece-employees of the Government of India Press, Calcutta, submitted a memorial to the Honourable Member in charge, through the proper channel in May, 1933 ?

(b) If the reply be in the affirmative, will the Honourable Member in charge be pleased to—

(i) furnish this House with the contents of the said memorial ; and

(ii) state what action has been taken or is intended to be taken by the Government in the matter ?

**The Honourable Sir Frank Noyce :** (a) and (b). Memorials from temporary binders of the Government of India Press, Calcutta, praying that they may be granted permanent status were received. The question is at present engaging the attention of the Controller, and will be considered by Government when his proposals are received.

**PRINTING OF THE ARMY DEPARTMENT TRAINING MANUAL IN PRIVATE PRESSES.**

**127. Mr. Bhuput Sing :** (a) Is it a fact that the rate of the private firms for printing the Army Department Training Manual and the binding charge of Army form No. A.-64 were considerably higher than that of the Government Presses ?

(b) Is it a fact that Mr. H. I. Macdonald, Special Officer, Central Revision Section, Army Department, Government of India, in his note, dated the 1st July, 1931, expressed the desirability of the said work being done at the Government Presses on economic grounds ?

(c) Is it a fact that the Government of India have five well-equipped efficient presses—two presses in Calcutta, one in Simla, one in Delhi and one in Aligarh ?

(d) Is it a fact that Government received a resolution passed in the All-India Press Employees' Conference held in June, 1926 under the presidency of Mr. T. C. Goswami, a Member of the Assembly, as well as in the second session of the said conference held in Calcutta in August, 1927, under the presidency of the Honourable Sayyed Muhammad Padshah Saheb and moved by the Government Press employees that the present practice of giving work to outside presses was detrimental to the interest of the Government Press employees and urging the Government of India and the Provincial Governments to abandon the practice as early as possible ?

(e) Is it a fact that many employees of the Government of India Presses, Delhi, Calcutta, Simla and Aligarh, lost their jobs due to paucity

of work in 1922 to 1924 and the years following and are Government aware that even at the present moment a large number of thrown out employees of the Government Presses are sitting idle ?

(f) Is it a fact that the Government of India Press, Calcutta, can easily manage printing Posts and Telegraphs Forms whose value is about Rs. 2,20,000 ?

(g) Are Government aware that private contractors make a profit out of the order placed with them by Government ?

(h) If the answers to parts (a) to (g) be in the affirmative, will Government be pleased to state if they are prepared to consider the advisability of discontinuing printing orders with private contractors and having them done in the Government Presses instead ?

**The Honourable Sir Frank Noyce :** (a) During a short period when Training Manuals were printed at private presses without the intervention of the Stationery and Printing Department the cost of their printing was considerably higher. The printing of these Manuals is now arranged for through the Controller of Printing and Stationery either at Government or private presses at rates which compare favourably with those of Government Presses.

There is no Army form No. A-64. There are, however, Army Books, 64-M and 64 for which a slightly higher rate than that of the Government Press was allowed. This was discontinued as soon as the matter came to notice.

(b) I have not seen the note to which reference is made, but all opinions recorded in notes are confidential.

(c) and (d). Yes.

(e) The answer to the first part is in the affirmative. As regards the second part, I have no figures of the number still unemployed.

(f) No.

(g) I assume that unless the contractors secured some profit they would not undertake the work.

(h) Does not arise.

#### LINO AND MONO OPERATORS OF THE GOVERNMENT OF INDIA PRESSES.

128. **Mr. Bhupat Singh :** (a) Is it a fact that the lino and mono operators of the Government of India Press are salaried hands ?

(b) Is it a fact that the compositors of the Government of India Presses are piece-rated employees ?

(c) Is it a fact that the outturn of the lino and mono operators, as well as of the compositors is systematically checked and calculated ?

(d) Is it a fact that when the outturn of the lino and mono operators is found to be greater in volume than the standard outturn fixed, the operators are awarded a special bonus over and above their pay ?

(e) Is it a fact that when the outturn of the compositors is found to have increased in volume over the fixed outturn, it results in the hands being penalised for the same ?

(f). If the answers to (a) to (e) be in the affirmative will Government be pleased to state the reasons for what is stated in part (e) ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b). In the Calcutta and New Delhi Presses, compositors are employed on piece-rates.

(c) and (d). Yes.

(e) There are no 'fixed outturns' for compositors on piece-rates. They are paid full rates for all work done on piece.

(f) Does not arise.

**DECREASE IN THE EARNING OF THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.**

**129. Mr. Bhuput Singh :** (a) Is it a fact that the earnings of the piece-workers of the Government of India Presses at Calcutta and Simla are daily decreasing ?

(b) Is it a fact that the Government of India Resolution No. A.-31, dated the 15th July, 1920, stated that the compositors of the Government of India Press used to earn from Rs. 35 to Rs. 90 according to the old class-rates ?

(c) Is it a fact that by the said resolution an increment of 40 per cent. was given to all workers in the Government of India Press ?

(d) Is it a fact that according to the rates of increment given by Government in pursuance of the resolution, above referred to, the earnings of the compositors worked out at from Rs. 49 to Rs. 126 ?

(e) Will Government be pleased to lay on the table a statement showing the minimum and maximum earnings of the compositors in the Government of India Presses in Calcutta, Simla, Delhi and Aligarh per month during the years 1930, 1931 and 1932 year by year ?

**The Honourable Sir Frank Noyce :** (a) I have no reason to suppose that this is the case.

(b) This statement was made in respect of the piece-work compositors in the Government Presses at Calcutta, Delhi and Simla only.

(c) Piece-rates were raised by the percentage stated in the presses at Calcutta and Delhi.

(d) Provided that their output had remained unaltered piece-workers who were receiving between Rs. 35 and Rs. 90 would have drawn, on getting a 40 per cent. increase in rates, wages varying within the limits mentioned by the Honourable Member.

(e) I have not the particulars of the maximum and minimum earning during the three years mentioned in the question in the Calcutta and Delhi Presses, but the figures for 1931-32 are as follows :

Calcutta : minimum Rs. 41 ; maximum Rs. 82.

Delhi : minimum Rs. 48 ; maximum Rs. 131.

There are now no piece-work compositors in the Simla and Aligarh presses. The compositors in these presses are salaried hands and the maximum and minimum pay during the years in question were in Simla Rs. 90 and Rs. 55 and in Aligarh Rs. 45 and Rs. 25.



**FAULTY CHECK OVER COMPOSITORS' WORK IN THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.**

**130. Mr. Bhuput Singh :** (a) Is it a fact that the compositors of the Government Presses are employed on the piece as well as on the hour system ?

(b) Is it a fact that work—both piece and hours—are distributed among the compositors by the respective Section-holders under their immediate supervision who issue certificates accordingly ?

(c) Is it a fact that the checkers check the outturn of the compositors on the basis of the papers forwarded to them being certified by the Section-holders ?

(d) Is it a fact that the checkers of the Government of India Presses, Calcutta, Delhi and Simla, deduct almost daily something from the actual hours of work of the compositors in spite of the certificates from the Section-holders ?

(e) Is it a fact that the majority of the Piece-workers' Committee of 1922 stated in paragraph 22 of their report that the differences among the checkers were serious ?

(f) Is it a fact that these deductions by the checkers seriously affect the earnings of the compositors and thereby the class-rates and the pensions ?

(g) If the answers to parts (a) to (f) be in the affirmative, will Government be pleased to state if any action has been or is being taken or is contemplated to be taken at an early date to remedy the present faulty checking system in the said Government of India Presses at Calcutta, Delhi and Simla ?

**The Honourable Sir Frank Noyce :** (a) Only in the Calcutta and New Delhi Presses.

(b) Yes.

(c) Yes.

(d) Deductions are made when necessary.

(e) No. The Piece-Workers' Committee stated that the difference of the compositors *with* the checkers were more serious than with the computers.

(f) No.

(g) Does not arise.

**FAULTY CHECK OVER COMPOSITORS' WORK IN THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND SIMLA.**

**131. Mr. Bhuput Singh :** (a) Is it a fact that the piece-works of the compositors of the Government of India Press, Calcutta, are distributed by the Section-holders and are done under their immediate supervision and that a register is maintained for that purpose ?

(b) Is it a fact that computers are engaged for the purpose of calculating the outturn on the basis of the certificate issued by the Section-holders ?

(c) Is it a fact that differences in calculation occur often even on a specific piece of work ?

(d) Is it a fact that Mr. Jagadesan, the Examiner of Press Accounts, admitted before the Piece-workers' Committee of 1932 that no two compositors would arrive at identical calculations in respect of a specific piece of work ?

(e) Is it a fact that compositors are not evenly paid even for a specific piece of work due to this difference in calculations ?

(f) If the answers to parts (a) to (e) be in the affirmative, will Government be pleased to state what steps have been or are being contemplated to be taken to remedy the evils of the present system of computing in the said Government of India Press ?

**The Honourable Sir Frank Noyce :** (a), (b), (c) and (d). Yes.

(e) and (f). As recognized in paragraph 21 of the Majority Report of the Piece-Workers' Committee, 1922, the differences in computing are ordinarily infinitesimal, and no action to remedy this has been considered necessary.

#### NON-PAYMENT TO PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES ON CERTAIN BANK HOLIDAYS.

132. **Mr. Bhuput Singh :** (a) Is it a fact that in 1931 the Government of India Presses, Calcutta, Delhi and Simla, were entirely closed for 22nd, 23rd and 24th August by reason of all the banks being closed ?

(b) Is it a fact that the piece-workers of the Government of India Presses, Calcutta, Delhi and Simla, were not paid for those three days ?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to state the reason therefor ?

**The Honourable Sir Frank Noyce :** (a), (b) and (c). There is no record in my Department of the days on which the presses were closed in August, 1931, or of the payments for such days ; but one of the days mentioned was a Sunday and the presses are ordinarily closed on that day. Piece-workers are not ordinarily paid for holidays on which a press is closed, but they can at their option get payment for the holidays actually enjoyed by them by having them counted against the leave with pay admissible to them ; and I have no reason to suppose that the ordinary rules were not applied.

#### SENIORITY LIST OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

133. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that the seniority is counted according to the grades and not according to class ? If so, how are combined seniority lists made up on the East Indian Railway, especially in the Moradabad Division ?

(b) Is it a fact that the instructions contained in the note under section II—Recruitment and Training of the Rules for Recruitment and Training of Subordinate Staff—circulated by the Agent under his No. 548/A.E.-2460, dated the 1st October, 1932, are not adhered to by the Divisional Superintendent, Moradabad Division, East Indian Railway ; for instance,

Assistant Station Masters (Higher Grade) or Guards are selected as Transportation Inspectors, viz., Mr. A. N. Logawney, T. K. Reilly, etc.; and similarly Station Masters (Lower Grade) are not promoted to Assistant Station Masters (Higher Grade)? If not, what are the percentage of promotions of persons from Station Masters (Lower Grade) and Guards (Goods or Passenger) to Assistant Station Master (Higher Grade) during the preceding three years?

(c) Is it a fact that senior most Assistant Station Masters, Class "C" in Moradabad Division are deprived of the privilege of officiating appointment in Assistant Station Masters (Higher Grade)? If not, what are the rules prevalent in Moradabad Division regarding the normal channel of promotion to Assistant Station Master (Higher Grade)?

(d) Is it a fact that the Moradabad Division in violation of Agent's Circular No. 548/A.E.-2460, dated the 1st October, 1932, maintained a panel for "F" Class Assistant Station Masters (Higher Grade) and they place in and place out any subordinate according to their will and pleasure or discretion? If not, what are the correct interpretations of the following letters issued by the Divisional Superintendent, Moradabad Division:

(i) (a) 12/88/E.T.-2, dated the 14th July, 1928; (b) Order, dated the 9th December, 1930, signed by Superintendent, Transportation; (c) 12/88/27-E., dated the 9th March, 1928; 16th March, 1928; 24th April, 1929; (d) Circular letters No. 11/31-E.T., dated the 16th November, 1931; 19th November, 1931;

(ii) 11/31/E.T.-2, dated the 22nd April, 1932; 20th September, 1932; 2nd November, 1932; 19th November, 1932; 17th January, 1933; 15th February, 1933; 27th February, 1933; 16th March, 1933; 20th April, 1933?

**Mr. P. R. Rau :** Government have no information but have sent a copy of this question to the Agent, East Indian Railway, for any action that may be necessary.

#### RECRUITMENT OF GUARDS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

134. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that the following persons were recruited as Guards in the Moradabad Division direct on Rs. 140—10—230 as "C" Class:

Messrs. T. K. Reilly, C. N. Logawney, D. MacLeod, J. H. Bond, W. D. Hayde, P. L. Pearce, A. H. Luders, J. N. Vanspall, E. R. Blackford, and L. O. Mantheroo?

If so, under what circumstances were the rules for the recruitment and training of Transportation (Traffic) Group infringed?

(b) Is it a fact that the following employees are qualified Guards and worked as such for different periods, and were denied recruitment to permanent vacancies to which direct appointments were made:

Messrs. M. V. Bhawnani, T. T. E.; Kanhaya Lal Pandey, Parcel Clerk; Syed Karar Hussain, Parcel Clerk; R. D. Pandey, Free Service Clerk, Moradabad Division?

If so, what are the reasons for the appointment of persons direct or of those who are junior in service?

**Mr. P. B. Rau :** Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, to see whether any action is necessary.

#### FILLING UP OF VACANCIES OF SUB-HEADS ON THE EAST INDIAN RAILWAY.

**135. Mr. Muhammad Azhar Ali :** Is it a fact that the Controller of Railway Accounts in his letter No. 77-E.-31-C.R.A.-III, dated the 20th July, 1932, prescribed that the vacancies in the grade of sub-heads are to be filled up by the promotion of clerks who have passed either Appendix "D", "E" or S. R. A. S., Part II, examinations and are awaiting their chance for promotion to the rank of Accountants? If so, under what circumstances was this authority superseded by the Chief Accounts Officer, East Indian Railway, *vide* his No. 11-T.A. 33/R.K.Kaul, dated the 24th August, 1933? Do Government propose to inquire into the matter?

**Mr. P. B. Rau :** Government have no information, but have sent a copy of the question to the Controller of Railway Accounts to see whether any action is necessary.

#### WITHDRAWAL OF DAILY ALLOWANCE OF INSPECTORS OF STATION ACCOUNTS, ETC., ON THE EAST INDIAN RAILWAY.

**136. Mr. Muhammad Azhar Ali :** Is it a fact that the daily allowance of the class of Inspectors was based on the pay drawn subject to a minimum of Rs. 2-8-0 per day, *vide* Railway Board letter No. 6087-F., dated the 9th March, 1931? If so, under what circumstances was this privilege only withdrawn from the Inspector of Station Accounts, Stores and Stock Verifiers, and not from the other class of Inspectors, *vide* Railway Board letter No. 5239-E., of 11th July, 1932? Do Government propose to extend the old privilege to Inspectors of Station Accounts, etc.?

**Mr. P. B. Rau :** Government have no information, but have sent a copy of the question to the Controller of Railway Accounts to see whether any action is necessary.

#### GRANT OF INCREMENTS TO THE OFFICIALS OF THE SORTING OFFICE, MADRAS GENERAL POST OFFICE.

**137. Mr. N. M. Joshi :** (a) With reference to the reply given by Sir Thomas Ryan to question 1169 put by me on the floor of the Assembly on the 10th April, 1933, will Government be pleased to state whether any action has been taken for the grant of increments without any stoppage to the men affected?

(b) If the answer be in the negative, will Government be pleased to state the reasons for the same?

**The Honourable Sir Frank Noyce :** (a) The matter is under consideration, and a decision has not yet been reached.

(b) Does not arise.

#### ALLOWANCE TO THE STENOGRAPHERS OF THE CENTRAL TELEGRAPH OFFICE AND GENERAL POST OFFICE, MADRAS.

**138. Mr. N. M. Joshi :** (a) Will Government be pleased to state when the allowances to the stenographers working in the Central Tele-

graph Office, Madras, and in the General Post Office, Madras, were suspended and restored in the year 1931 ?

(b) Will Government be pleased to state whether they have restored the grant of allowance to the stenographer of the Central Telegraph Office, Madras, for the suspended period ?

(c) If the answer be in the affirmative, will Government be pleased to state why the said allowance was not simultaneously restored for the suspended period to the stenographer working in the General Post Office, Madras ?

**The Honourable Sir Frank Noyce :** (a) The special pay in both cases was held in abeyance on the 16th August, 1931, and was restored on the 1st October and the 15th November, 1931, respectively.

(b) Yes.

(c) Because the official concerned did not actually work as a stenographer during the period from the 16th August, 1931, to the 14th November, 1931.

#### POSTAL RECRUITED TELEGRAPHISTS.

139. **Mr. N. M. Joshi :** Will Government be pleased to state whether they have taken any action on the speech of Pandit Satyendra Nath Sen made on 10th March, 1933, at the time of Budget discussions regarding postal recruited telegraphists, and if so, will Government be pleased to place on the table a copy of their decision ?

**The Honourable Sir Frank Noyce :** No. The case of the telegraphists referred to was re-examined by the Director General as promised by him in this House on the 10th March, 1933, but he found no reason to make any recommendation to Government to re-open it.

#### GRANT OF PENSION TO BAUDOT MISTRIES.

140. **Mr. N. M. Joshi :** (a) With reference to the reply given to my question No. 181 on the 4th September, 1928, regarding the grant of pension to Baudot mistries, will Government be pleased to state whether they have come to a final decision on the matter and if so, what are the decisions ?

(b) Will Government be pleased to state whether they now propose to consider and grant compensation in lieu of pension as is given to the Railway servants by the Railway Department and in view of the suggestion given by the Government of India in Circular No. 5042, dated the 8th July, 1919, to consult the Railway authorities ?

**The Honourable Sir Frank Noyce :** (a) and (b). The attention of the Honourable Member is invited to the reply given by Sir Thomas Ryan on the 5th April, 1933, to his starred question No. 1124. There has been no change in the position since that date.

#### RETIREMENTS IN CERTAIN GRADES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

141. **Mr. N. M. Joshi :** Will Government be pleased to furnish a statement showing the number of retirements (i) compulsory, and (ii)

voluntary in each of the following grades after the introduction of Sir Cowasji Jehangir's report ?

- (i) Telegraphists ;
- (ii) Telegraph Masters ;
- (iii) Deputy Superintendents ;
- (iv) Officers of the First and Second Divisions ;
- (v) Officers of the Engineering Branch ; and
- (vi) Clerks.

**The Honourable Sir Frank Noyce :** The Honourable Member is referred to the reply given in this House by Sir Thomas Ryan on the 5th April, 1933, to his starred question No. 1125. The information available regarding the numbers of compulsory and voluntary retirements effected since then are as follows :

		(i) Compulsory.	(ii) Voluntary.
Telegraphists	.. ..	none	61
Telegraph Masters	.. ..	none	5
Deputy Superintendents	.. ..	none	none
Officers of the 1st and 2nd Divisions of the Superior Traffic Branch.	.. ..	none	none
Gazetted officers of the Engineering Branch	.. ..	none	none

The total number of clerks (including Head Postmasters, Sub and Branch Postmasters, Inspectors and Town Inspectors of Post Offices, Sorters, Supervisors, etc.) retrenched between the 1st December, 1932 and the 31st May, 1933 (up to which date information is available) is 1,214 but no information is available as to the number who retired voluntarily or were compulsorily retrenched.

#### COMMUNAL COMPOSITION OF CERTAIN GRADES OF SERVICES IN THE ACCOUNTS DEPARTMENT, EAST INDIAN RAILWAY.

**142. Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the present communal composition of the following grades of services in the Accounts Department of the East Indian Railway :

- (i) Accountants ;
- (ii) Inspector of Station Accounts ;
- (iii) Inspector of Stores Accounts ;
- (iv) Sub-Heads ?

(b) Will Government be pleased to state the number of vacancies filled in, in each of the grades specified above, since 1926 and the number of Moslems and non-Moslems recruited either directly or by promotions ?

**Mr. P. R. Rau :** (a) and (b). Government regret they are unable to supplement the information given about the communal composition of Railway Staff in the Administration Reports by particulars about individual offices or classes of staff.

**PROPOSAL FOR THE AMALGAMATION OF THE MUNICIPALITIES OF OLD AND NEW DELHI.**

**143. Mr. Bhuput Sing :** Have Government any proposal to amalgamate the municipalities of the Old and New Delhi ?

**Mr. G. S. Bajpai :** No.

**ESTABLISHMENT OF A DEVELOPMENT DIRECTORATE FOR OLD AND NEW DELHI.**

**144. Mr. Bhuput Sing :** Do Government propose the establishment of a development directorate for Old and New Delhi ? If not, why not ?

**Mr. G. S. Bajpai :** No. Government do not consider it necessary to establish a Development Directorate for Old and New Delhi.

**DANGEROUS CONDITION OF TIMARPUR QUARTERS, DELHI.**

**145. Mr. Bhuput Sing :** (a) Has a telegraphic representation been received by Government from Government employees living in Timarpur quarters inviting Government's attention to the dangerous state of their quarters due to the recent rains in Delhi ? If so, what action do Government propose to take ?

(b) Would the Timarpur quarters be demolished and new ones built ?

(c) Do Government propose to abandon the Timarpur site due to its low level proximity to the Jumna and the terrible malaria that ravages there ?

**The Honourable Sir Frank Noyce :** (a) Yes. The repairs which were considered necessary have since been carried out.

(b) and (c). No.

**MOTOR AND ELECTRIC OMNIBUS SERVICE IN DELHI.**

**146. Mr. Bhuput Sing :** (a) When is the motor and electric omnibus service sanctioned for the Delhi Electric Supply and Traction Company Ltd., to start ?

(b) Are Government aware that this company does not propose to run the sanctioned electric trolley omnibus service due to the overhead line having to run through Azadpur, which is almost double the route requiring considerable additional capital on a very large section, where there is no traffic, which will be unremunerative for some years to come ?

(c) Do Government propose to alter the route as desired by the Electric Company ?

**Mr. G. S. Bajpai :** Enquiries have been made and the result will be communicated to the House in due course.

**INTRODUCTION OF A FASTER TRAIN *via* LOOP LINE FROM HOWRAH TO DELHI.**

**147. Mr. Bhuput Sing :** (a) Will Government be pleased to state whether any steps have been taken to introduce the running of a faster train *via* Loop Line from Howrah to Delhi, for the convenience of passengers travelling from stations on this line ?

(b) What are the difficulties in the way of running a fast through train over this line ?

(c) Are Government aware of a very strong public feeling over the matter for the last several years ?

(d) Does not the traffic on the line justify such introduction of a fast through train ?

(e) Have Government considered that the train can be made to run *via* Dhulian (B. A. K. Section), if any of the bridges over the corresponding section of the Loop Line is not able to withstand the running of a faster train over it ?

**Mr. P. R. Rau :** Enquiries have been made from the Agent, East Indian Railway, and I will place a reply on the table in due course.

#### TENDERS FOR SUPPLY OF FURNITURE TO THE ZOOLOGICAL SURVEY OF INDIA.

148. **Mr. Bhuput Sing :** (a) Will Government be pleased to state whether tenders were called for by the present Director of the Zoological Survey of India for the supply of office furniture ? If not, why not ?

(b) Is it a fact that he has given the contract to a Chinese furniture dealer ? If so, do Government propose to enquire why instead of Indian furniture dealers, a Chinese has been appointed ? If not, why not ?

**Mr. G. S. Bajpai :** Enquiries have been made and the information will be furnished to the House in due course.

#### RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.

149. **Mr. M. Maswood Ahmad :** (a) Is it a fact that Government orders contemplated the appointment of a Board to select personnel for discharge ?

(b) Did the Director General of Archæology appoint such a Board ? If so, will Government kindly state the names of the members of the Board ?

(c) Was any Muslim member appointed on the Board to safeguard the interests of Muslims ? If not, why not ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) Yes. The names of the members of this Board are :

1. Rai Bahadur Daya Ram Sahni, Director General of Archæology in India.
2. Mr. J. A. Page, Deputy Director General of Archæology in India.
3. Mr. K. N. Dikshit, Deputy Director General of Archæology for Exploration.

(c) No, because there was no Muslim officer attached to the Head Office at the time. Every possible precaution was, however, taken to safeguard the interests of all communities in the Department.

#### RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.

150. **Mr. M. Maswood Ahmad :** (a) Will Government kindly lay on the table a statement showing the number of Hindu and Muslim employees



and their percentage before and after retrenchment in the subordinate service of the Archæological Department ?

(b) Was any assurance given to this House that the percentage of the various communities would remain the same before and after retrenchment ?

(c) Is it a fact that the percentage of Muslims has diminished in that service ever since ? If so, why ?

**Mr. G. S. Bajpai :** Information is being collected and will be laid on the table in due course.

#### FREE OCCUPATION OF GOVERNMENT QUARTERS BY CERTAIN EMPLOYEES OF THE ARCHÆOLOGICAL DEPARTMENT.

151. **Mr. M. Maswood Ahmad :** (a) Will Government kindly lay on the table a statement showing the names of the subordinates in the Archæological Department who occupy Government quarters and pay no rent ?

(b) On what basis have these concessions been allowed to them ?

(c) Have Government considered the desirability of charging rent now ? If not, why not ?

**Mr. G. S. Bajpai :** The information is being collected and will be laid on the table of the House in due course.

#### RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.

152. **Mr. M. Maswood Ahmad :** (a) Is it a fact that in the Eastern Circle of the Archæological Department the post of a Hindu was abolished, but actually a Muslim was retrenched ?

(b) Is it a fact that disciplinary proceedings were in progress against the Hindu subordinate in question ?

(c) If the answer to part (b) be in the affirmative, will Government please state the reasons for keeping this man in service and for retrenching the Muslim ?

**Mr. G. S. Bajpai :** (a) and (c). One post on the ministerial establishment in the Circle named was abolished and the Muslim employee who was the most junior member of the ministerial establishment was discharged in accordance with the general instructions laid down for the selection of personnel for discharge in connection with retrenchment.

(b) Disciplinary proceedings were in progress against two Hindu subordinates. Both have been degraded to lower posts on the minima of the scales of pay attached to them.

#### ALLEGATIONS AGAINST MR. CHANDRA, ARCHÆOLOGICAL SUPERINTENDENT, POONA.

153. **Mr. M. Maswood Ahmad :** (a) Is it a fact that a certain firm known as Messrs. Gorachand and Sons secured huge contracts from Mr. Chandra, Archæological Superintendent, while at Poona and had its office in the very house of Mr. Chandra ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if this action on the part of Mr. Chandra was not considered seriously objectionable ?

(c) Did Government order an enquiry into the conduct of Mr. Chandra ? If so, when, and who were the members of the Enquiry Board ?

(d) Was Mr. Chandra's case referred to the Public Service Commission before passing final orders, as was done in similar other cases in the Department ? If not, why was this preferential treatment shown ?

(e) Do Government propose to consult the Public Service Commission now ?

**Mr. G. S. Bajpai :** (a) The firm referred to by the Honourable Member did obtain certain contracts.

(b) and (c). An enquiry was conducted by the Director-General of Archaeology in India and Mr. J. F. Blakiston, Superintendent, Archaeological Survey of India. Government came to the conclusion, after considering their reports, that although Mr. Chandra's conduct in the matter was objectionable, the requirements of the case would be met if an expression of their dissatisfaction were conveyed to him.

(d) No reference to the Public Service Commission was necessary.

(e) Government do not consider such reference to be necessary.

#### TRANSFER OF THE ASSISTANT SUPERINTENDENT OF ARCHAEOLOGY, CENTRAL INDIA AND RAJPUTANA, TO SOME OTHER CIRCLE.

**154. Mr. M. Maswood Ahmad :** (a) Is it a fact that the post of the Assistant Superintendent for Central India and Rajputana remained vacant for considerable periods during the past, and his work was done in the Director General of Archaeology's office during his absence ?

(b) If so, are Government prepared to consider the desirability of transferring the present Assistant Superintendent to some other Circle ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The services of this officer are required at the Headquarters to assist the Director-General of Archaeology in India in Archaeological matters relating to the Indian States in Central India and Rajputana. It is not possible, therefore, to transfer him to a Circle.

#### IGNORING THE CLAIMS OF MUSLIMS IN THE ARCHAEOLOGICAL DEPARTMENT.

**155. Mr. M. Maswood Ahmad :** (a) Will Government kindly state what is the length of the service of the present Director General of Archaeology ?

(b) Will Government please state how many Hindus and Muslims the Director General has appointed permanently during his service ?

(c) Will Government be pleased to state how many Muslims during his long tenure were permanently appointed ?

(d) Is it a fact that he held charge of the Lahore Circle of the Archaeological Department for a considerable period ?

(e) Is it a fact that in the Punjab where there is such a large population of Muslims he did not appoint any suitable Muslim under his control ?

(f) Is it a fact that when the present Director General of Archaeology was Superintendent of Lahore or other Circles, the Director General at the time issued instructions to Archaeological Officers for keeping regard of the representation of the minority communities ?

(g) Did the gentleman even then appoint any Muslim in his office ?

(h) What action did Government take against the officer for ignoring the orders referred to ?

**Mr. G. S. Bajpai :** The information asked for is being collected and will be laid on the table of the House in due course.

#### GREAT INDIAN PENINSULA RAILWAY TRACTION DEPARTMENT.

**156. Mr. T. N. Ramakrishna Reddi :** With reference to the Financial Commissioner's reply to Mr. B. Das's questions Nos. 729 to 732 on the 13th March, 1933, regarding the Great Indian Peninsula Railway Traction Department, are Government now in a position to place before this House the particulars promised ? If so, will they please lay on the table all the available information ?

**Mr. P. R. Rau :** The information was laid on the table of the House on the 1st September, 1933.

#### ASSISTANT DIVISIONAL TRANSPORTATION SUPERINTENDENT (TRACTION) ON THE GREAT INDIAN PENINSULA RAILWAY.

**157. Mr. T. N. Ramakrishna Reddi :** (a) With reference to Mr. B. Das's question No. 729 (c) on the 13th March, 1933, and in view of the Financial Commissioner's assurance that if there is over-staffing in the superior officer's cadre of the Electric Traction Branch of the Great Indian Peninsula Railway, it will certainly be reduced, and recent confirmation of the Assistant Divisional Transportation Superintendent (Traction), are Government satisfied that the retention of the post is absolutely necessary in the interests of the Railway ?

(b) Are the qualifications of the present incumbent of the post of Assistant Divisional Transportation Superintendent (Traction) considered adequate for expert technical supervision of the three branches of the Electric Traction Department, viz., Generation, Distribution and Rolling Stock ?

(c) Apart from his having held the position of Traction Engineer (Rolling Stock) on the Railway, what special claims does he possess to assume technical and administrative control of the generation and distribution section as well of the Traction Department ?

(d) Has he qualified himself in the usual manner in train operation block signalling, etc., to discharge effectively the duties of a Transport Officer ?

(e) Is it the professed policy of Government to secure economy by eliminating wasteful duplication of labour ? If so, why is the Bombay Division of the Transportation Department of the Great Indian Peninsula

Railway saddled with two officers at its head in grade Rs. 1,950 *plus* allowances and overseas pay ?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) and (d). His qualifications are considered sufficient for the post.

(e) In the Traction Branch there is only one Assistant Divisional Transportation Superintendent on Rs. 1,950 per mensem.

#### ELECTRIFICATION OF THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

158. **Mr. T. N. Ramakrishna Reddi :** (a) Is it a fact that Government contemplate the extension of the electrification of the main line on the Great Indian Peninsula Railway ?

(b) In view of the doubts expressed relative to the satisfactory working of the section of the line electrified at present, will Government please state what reasons have induced them to consider a scheme for extension ? Is the scheme financially and technically justifiable ?

(c) If the answer to part (a) be in the affirmative, do Government propose to have the project carried out by contractors or by the Railway themselves ?

**Mr. P. R. Rau :** (a) The question of extension of the electrification is not under serious consideration at present.

(b) and (c). Do not arise.

#### STAFF OF THE CHOLA POWER HOUSE, GREAT INDIAN PENINSULA RAILWAY.

159. **Mr. T. N. Ramakrishna Reddi :** (a) Will Government please furnish a comparative statement showing the scales of pay and number of all grades of staff in the Chola Power House, Great Indian Peninsula Railway and of establishments belonging to other power stations of equal capacity in other parts of India ?

(b) Have Government considered that it is impossible to reduce the overhead costs of this power station ?

**Mr. P. R. Rau :** I have called for certain information and will lay a reply on the table of the House in due course.

#### SUPPLY OF ELECTRIC POWER ON THE GREAT INDIAN PENINSULA RAILWAY.

160. **Mr. T. N. Ramakrishna Reddi :** (a) When does the Great Indian Peninsula Railway's agreement with Tatas for the supply of power to the suburban section terminate ?

(b) Is it proposed to take power from Chola Power House after that date ?

(c) If the answer to part (b) be in the affirmative, what is likely to be the cost of change-over ? Will this be given adequate consideration in computing the economies derivable from Chola supplying the entire power requirements of the Railway ?

**Mr. P. R. Rau :** The agreement does not expire till the 31st December, 1939, and it is far too early yet for Government to consider seriously

what should be done when it expires, but I can assure my Honourable friend that the comparative cost of alternative sources of supply and all other relevant considerations will be carefully considered in arriving at a decision.

**CABLE REPAIR WORK ON THE TRACTION DEPARTMENT, GREAT INDIAN PENINSULA RAILWAY.**

**161. Mr. T. N. Ramakrishna Reddi :** Does the Distribution Section of the Traction Department of the Great Indian Peninsula Railway still get its cable repair work done by contractors ? If so, why ? Is it a fact that the Senior Foreman, Overhead Equipment and Transmission Line, Lonavla, Great Indian Peninsula Railway, is supposed to be an expert in the line ?

**Mr. P. R. Rau :** Government have no information but have sent a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that he may consider necessary.

**BREAKDOWNS TO THE ELECTRICAL MULTIPLE UNIT EQUIPMENT ON THE GREAT INDIAN PENINSULA RAILWAY.**

**162. Mr. T. N. Ramakrishna Reddi :** (a) Is it a fact that most of the serious breakdowns to the Electrical Multiple Unit equipment on the Great Indian Peninsula Railway, are due to the incompetent technical direction of the present Superintending Foreman ?

(b) In view of these, and referring to Mr. B. Das's question No. 730 of 13th March, 1933, will Government please state what action they propose to take ?

**Mr. P. R. Rau :** Government have no information but have sent a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that he may consider necessary.

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**MESSAGES FROM THE COUNCIL OF STATE.**

**Secretary of the Assembly :** Sir, three Messages have been received from the Council of State. The first Message runs thus :

"I am directed to inform you that the Council of State has, at its meeting held on the 18th September, 1933, agreed, without any amendments, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 14th and 15th September, 1933, namely :—

- (1) A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes (Second Amendment) ;
- (2) A Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager ; and
- (3) A Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India."

The second Message is as follows :

"I am directed to inform you that the following Members of the Council of State have, at the meeting held on the 18th September, 1933, been nominated to

serve on the Joint Committee to consider and report on the Bill to constitute a Reserve Bank of India, namely :

1. The Honourable Mr. Bijay Kumar Basu,
2. The Honourable Raja Charanjit Singh,
3. The Honourable Nawab Malik Muhammad Hayat Khan Noon,
4. The Honourable Rajah Sir Annamalai Chettiyar,
5. The Honourable Diwan Bahadur G. Narayanaswami Chetti,
6. The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
7. The Honourable Sir Hormusji Maneckji Mehta,
8. The Honourable Kumar Nripendra Narayan Sinha of Nashipur,
9. The Honourable Mr. Mahmood Suhrawardy,
10. The Honourable Mr. J. S. Henderson,
11. The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
12. The Honourable Rai Bahadur Lala Ramsaran Das,
13. The Honourable Mr. Hossain Imam, and
14. The Honourable Mr. J. B. Taylor."

The third Message is as follows :

"I am directed to inform you that the following Members of the Council of State have, at the meeting held on the 18th September, 1933, been nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, namely :

1. The Honourable Mr. Bijay Kumar Basu,
2. The Honourable Raja Charanjit Singh,
3. The Honourable Nawab Malik Muhammad Hayat Khan Noon,
4. The Honourable Rajah Sir Annamalai Chettiyar,
5. The Honourable Diwan Bahadur G. Narayanaswami Chetti,
6. The Honourable Saiyed Mohamed Padshah Sahib Bahadur,
7. The Honourable Sir Hormusji Maneckji Mehta,
8. The Honourable Kumar Nripendra Narayan Sinha of Nashipur,
9. The Honourable Mr. Mahmood Suhrawardy,
10. The Honourable Mr. J. S. Henderson,
11. The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra,
12. The Honourable Rai Bahadur Lala Ramsaran Das,
13. The Honourable Mr. Hossain Imam, and
14. The Honourable Mr. J. B. Taylor."

### DEATH OF MR. B. N. MISRA.

**The Honourable Sir Joseph Bhore** (Leader of the House) : Sir, death has again removed with tragic suddenness yet another sitting Member of this Assembly. Mr. B. N. Misra was, I believe, a Member of the first Assembly and also of the third Assembly. I personally will remember him best for his ardent advocacy of the claims of Orissa, his own home. Unhappily he has not been spared to see what we hope will be the fruition of his desires. It will be unnecessary for me to say much about one who was in such recent touch with us all. I need only say that his quiet un-

[Sir Joseph Bhore.]

assuming presence made him liked by every one with whom he came in contact. May I ask you, Sir, to convey to his relatives our deep sympathy with them in their bereavement ?

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadian Urban) : Mr. President, on behalf of myself and my Party, I rise to associate ourselves with the words that have fallen from the Leader of the House. Mr. Misra was one of those quiet unassuming Members in this Honourable House who had not a single enemy amongst us. His great mission was fulfilled, namely, the separation of Orissa ; but most unfortunately he did not live to see a Governor and Council in his own province. Mr. Misra, I believe, was writing the history of his province which perhaps we may be privileged to read in the future—whatever he left on paper. Mr. Misra was attached to his province and came here to represent faithfully the views of his constituency, and he never missed an occasion to do so. We regret—most of us—that we were not able to be present yesterday at his funeral which we should certainly have done had we been informed in time. May I also suggest that you, Sir, should convey to the family of the deceased our sincere sympathy with them in their bereavement ?

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I rise to associate myself and my Party with all the sentiments that have fallen from the lips of the Honourable the Leaders of the House and of the Independent Party. When Mr. Misra came to my room in the Cecil Hotel a week ago, with the manuscript of his new book, "The History of Ancient Utkal", which he wanted me to revise, I little knew that I would be standing on the floor of the House to speak out my feelings about the passing away of a good man and true, or that I would have been going yesterday to Sanjauli to stand by the funeral pyre amidst pouring rain. He was one of those good men who pleased those with whom he came in contact. His good manners, his sweet temper and his great sense of humour always made him very likeable, always made him the best friend in politics in which friends are few. He was one of the pioneers of the new Orissa movement, and, as the Leader of the House has truly said, the great tragedy in his passing away at this time lies in the fact that he did not have the privilege of enjoying the fruit of his labours. Sir, we express our deep regrets here and our deepest sympathies for the bereaved family.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhammadian) : Sir, on behalf of my friends in this part of the House I wish to associate myself with all that has fallen from the previous speakers. It is a matter of great regret that Mr. Misra, whose last appearance we all remember in this House on the non-official day when he moved the Resolution relating to the Military Academy, was suffering from blood pressure. We all remember the painful experience we had that day. It was with great difficulty and simply out of a sense of duty that he did not flinch from moving that Resolution—it was with difficulty indeed that he could manage to carry out his wish and we all felt that there was really something wrong with him ; but he stuck to his duty to the last and it is with deep regret that we learnt rather late in the day yesterday that he had passed away. In fact this last event in his life has proved what we all knew so well during the years we had been in contact with him, that he

cares more for his duty than for his own comfort or convenience. As has been truly said by the Leader of the House, he did not live long enough to see the fruition of his endeavours in the creation of an independent Orissa province. He was, as we all know, a kind and unassuming figure who made more friends than enemies, and there is hardly a man in this House or outside who can say that on any occasion Mr. Misra had spoken ill of anybody or had done harm to any one. We will all miss him, and I would request you, Sir, to convey to his family the sentiments of all of us that we share their loss and to express our deep sense of sorrow and regret at his tragic death on this occasion.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, it is a great pity that at the very end of the even tenor of this Session should have been marred by the tragedy of Mr. Misra's death. To every one of us death must come sooner or later ; but to Mr. Misra's death has come in somewhat painful circumstances, removed as he was far away from his home and family and from his community of which he was a very prominent and very honoured member. To most Members of this House, who did not know Mr. Misra well, he might have appeared a somewhat perplexing personality ; but to those who knew Mr. Misra intimately, as I claim to have done, Mr. Misra was possessed of very good qualities of head and heart. He was not a great speaker or politician ; but what is much better than being a great politician or a great speaker, he was a thoroughly good natured man, simple hearted, almost like a child, pleased with everybody and almost incapable of being displeased with anybody. Sir, on account of his lack of mastery of the English language, many may have formed an incorrect idea of Mr. Misra. He was, however, well versed in Hindu philosophy and Hindu religion, and it may be of interest to know that he was actually engaged in writing a work on the comparative History of Religions at the time of his death. He was a barrister, and that he was held in high esteem by his community and his province is shown by the fact that he was an elected Member in the first Assembly and that he lost the election in the second Assembly against the Swarajist candidate only by one vote. Sir, in spite of his conservatism in religious matters, he had very progressive ideas, and he was the first man in his community to cross the black waters. I have nothing to add except to say that I join in the tribute of respect for our departed colleague and in the request to you to convey our sympathy and condolence to his bereaved family.

**Sir Leslie Hudson** (Bombay : European) : Sir, on behalf of myself and my Party, I wish to add my tribute to the memory of our late fellow Member, Mr. Misra, and to associate myself with the remarks which have fallen from the Honourable the Leader of the House and other Honourable Members in regard to the regret which we all feel that he has not been spared to see the fulfilment of his life's labours and desire in the separation of Orissa. By his kindly disposition, he had endeared himself to every one of us in the House, and we shall all miss him.

**Nawab Major Malik Talib Mehdi Khan** (North Punjab : Muhammadan) : Sir, I associate myself on my own and my Party's behalf with what has been said by previous speakers. I well remember the day when I first came to this House, Mr. Misra asked me to help him in his scheme for the separation of Orissa and I promised to do so. He had a very quiet and unassuming nature and his qualities of head and heart



[Nawab Major Malik Talib Mehdi Khan.]

were very great. Again, Sir, after he made his last speech the other day, on the Indianization of the Army, he came out of the House and told me that he could not very well render his speech on account of illness which was afflicting him that day. It is a pity that he has not been spared to see his pet scheme of the separation of Orissa fructifying and to take part in the new order of things to be brought about by it. Sir, we all mourn the loss of a friend who was a jewel covered with slugged stone. Sir, I also request you to convey our sympathy and condolence to his bereaved family.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as one coming from the province of Bihar and Orissa, I should like to associate myself with all that has been said by the Honourable the Leader of the House, and by other Honourable Members. I remember very well the last illness of Mr. Misra, and when he was suffering from high blood pressure I told him repeatedly to leave Simla and to go down. I even asked my friend, Dr. Dalal, to give him the advice to leave Simla, which Dr. Dalal did ; but his conscientiousness of duty kept him in Simla and he has died practically in harness. Sir, Mr. Misra was a man of very amiable disposition and of loving nature ; he was very regular in his attendance at the meetings, a lesson which many of us might learn. I would request you, Sir, to convey to the members of the bereaved family an expression of our sincere sorrow and regret at his death under circumstances under which it has taken place in Simla far away from his family members.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, it is really an irreparable loss that Orissa has suffered. I know how the people of Orissa had confidence in Mr. Misra and in his labours to bring about the separation of Orissa. He did his very best, and it is a pity that he has not been spared to see the fruition of his labours. I feel very much that I was not able to be present at the funeral pyre, for, had I known about his death a little earlier yesterday, I would have tried to be present in spite of my indisposition. Sir, I wish to associate myself with every word that has fallen from the previous speakers.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, being a representative of Bihar and Orissa, I beg to associate myself with all the remarks which have fallen from the previous speakers. Sir, Mr. Misra comes from a very respectable Brahmin family of Orissa, and the people of the new proposed Province of Orissa owe a deep debt of gratitude to him for all that he has done for the creation of a separate Province. He was a very noble soul, and a typical Brahmin with the ideals of plain living and high thinking. I sincerely feel sorry that he could not see the fruition of his work which he had almost completed on ancient history and ancient culture of Orissa which dates many centuries back and which was his life's ambition. He was also a master of Oriya language. Sir, I express my heartfelt condolence to Mrs. Misra and the bereaved family.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of our late colleague, Mr. B. N. Misra, who was so well loved by all parts of the House. His devotion to duty, of which his regular attendance in

this House was an ample proof, may serve as an example to all of us. It shall be my duty to convey to the members of the bereaved family our sense of loss and sympathy on this occasion.

### MOTION *RE* DUES IN RESPECT OF LIGHTHOUSES AND BUOY IN BRITISH INDIA.

**The Honourable Sir Joseph Bhore** (Commerce Member) : Sir, I move :

“ That this Assembly do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 and 58 Viet., Ch. 60), that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the Lighthouses and buoy specified in the Schedule thereto ought to be levied in British India.”

This is a motion, Sir, which, I think, will command the acceptance of the House. The position is quite simple, and I think I can explain it very shortly. All civilized maritime nations provide lights where necessary on their coasts for the greater safety of navigation, but it is not fair that the countries themselves should bear the entire cost of this service. It is only fair and equitable that shipping passing by these lights and enjoying the benefits of these aids to navigation should pay a contribution. This is a principle which is accepted by all nations. These dues are collected in the shape of light dues calculated on a tonnage basis. But it is not always easy to collect these dues. Take the particular case with which we are concerned. Ships passing the Leeward Islands and the Bahamas, if they call at a port in the United Kingdom, could and would be made to pay these dues ; but if, for instance, they called at an Indian port and then returned to their home port, it would not be possible to secure the collection of these dues since at the present time we are not authorised to make such collection on behalf of the British authorities. A bar is imposed by clause (2) of section 670 of the Merchant Shipping Act of 1894. That bar, however, can be removed by the House acquiescing in the motion which I have placed before it. I need only add that so far as the collection is concerned we shall levy a commission or charge for making it and the commission will be, I understand, in the neighbourhood of  $7\frac{1}{2}$  per cent. I hope the House will accept my motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That this Assembly do signify its opinion in pursuance of sub-section (2) of section 670 of the Merchant Shipping Act, 1894 (57 and 58 Viet., Ch. 60), that the dues imposed by the Order in Council of His Majesty, dated the 17th December, 1931, in respect of the Lighthouses and buoy specified in the Schedule thereto ought to be levied in British India.”

The motion was adopted.

### THE INDIAN MEDICAL COUNCIL BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration.”

[Mr. G. S. Bajpai.]

It will be within the recollection of Honourable Members that this Bill as introduced, was, not only exhaustively, but, if one might be flippant, exhaustingly discussed in the last Session of the Assembly. Every aspect of the subject, whether it was medical ethics or medical education, came under searching scrutiny. The three vital points which emerged from the discussion were, first, whether licentiates should be included or excluded from the scope of the Bill ; second, whether the constitution of the Council needed any modification ; and third, whether the provision made in the Bill in respect of reciprocity was adequate. I shall take these points in the order in which I have enumerated them. First, the question of licentiates. It was made abundantly clear on behalf of the Government during the discussion that the limitation of the scope of the Bill to higher medical education, that is to say, the education of medical graduates, was due to constitutional and financial reasons. Constitutionally the position was that Local Governments were unwilling to part with their powers except in respect of higher medical education.

The financial exigencies of extending medical relief to our vast rural areas made it impracticable that the standard of education of the licentiates should be brought up to the level of the education of medical graduates. Nevertheless, we undertook, as a sign of our goodwill towards this important body of medical practitioners in this country, to sound Local Governments and ascertain whether there was any way in which we could assist them in the task of the educational reform for licentiates, assuming that there was a consensus of desire that there should be such a reform. In pursuance of that undertaking we consulted Local Governments. We asked them first whether they wished the Government of India to undertake an enquiry in order to ascertain whether the standards of education of licentiates in the different provinces were uniform, and secondly, if they suggested or favoured such an enquiry, to indicate whether they thought that there was any way in which the Government of India could assist them to establish uniformity where diversity existed. We were anxious further that the replies of the Local Governments should be available to the Government of India before the Select Committee met so that they should be in a position also to consider the replies of the Local Governments and make suggestions to us whether any action on our part was necessary. The replies fortunately were received in time and we put them before the Select Committee to which the Bill as introduced in this House was referred. With the exception of two Local Governments none was in favour of an enquiry because they thought that in the financial circumstances of the country it would be impossible for them to take any action upon any recommendations which the Committee of Enquiry might make. The two Local Governments which were in favour of the enquiry also recognised this difficulty, but on the principle that if somebody else pays they need not deny themselves the advantage or the credit of having had an enquiry into the question. They said that they would be quite willing if the Government of India undertook the enquiry.

**An Honourable Member :** Who were they ?

**Mr. G. S. Bajpai :** The Government of Bombay was one, and I think the Government of the Punjab was the other. Well, Sir, the Select

Committee were in agreement with the view of the representatives of the Government on that Committee that this kind of commitment, namely, expenditure from central revenues in our financial situation upon an investigation the results of which would lead to no practical advantage for an indefinite period, was hardly justified. The question, Sir, then which the Committee had to apply themselves to was, whether there were any provisions of the Bill which needed modification or omission in order to remove all sense of legitimate grievance from the minds of the licentiates ? The view of the Government had all along been that the fact that we proposed to maintain an all-India Register from which the licentiates would be excluded was neither intended, nor would it have the effect of imposing any hardship or disability upon them. But, Sir, the Committee came to the conclusion that even though the objection of the licentiates might be sentimental, if the register was not vital to the main scheme or structure of the Bill, there was no reason why the register should be kept. Therefore, they came, after a careful scrutiny of the Bill, to the conclusion that all provisions in the Bill as introduced, relating to the maintenance of a register, and provisions incidental thereto should be deleted. The Bill which is now before the House, the amended Bill, gives effect to the recommendations of the Committee in this respect. I may say on behalf of the Government that we accept the proposals made by the Select Committee in this respect, and I hope that this will afford ample proof that we are animated by no desire to hurt or hamper this important body of medical practitioners, namely, the licentiates.

The second part of the Bill which needed close examination related to the constitution of the Council. Objection had been taken to the Bill as introduced on three grounds ; first, that it provided for a perpetually nominated President ; secondly, that so far as medical faculties of Universities were concerned, instead of making each British Indian University with such a faculty the constituency for electing to the Council, we intended to make the province, even though there were more than one such University, the constituency for this purpose, and further that we intended to keep the constituency extremely official by limiting the choice of representatives to the Council to members of the Medical Faculties ; and thirdly, the ground on which objection had been taken to the provisions for the constitution of the Council was that medical graduates were not getting direct representation but that we were, instead, resorting to indirect election and a very narrow channel at that, namely, Provincial Committees which it was proposed to set up from the Provincial Medical Councils. The Bill, Sir, as

12 Noon.

amended and now before the House has made important changes in regard to each one of these points. After the first four years the Council will elect its President. Then, instead of the province being the unit, every British Indian University which has a Medical Faculty, will elect its representatives and the election will be made not by the Medical Faculty but by the Senate or whatever the corresponding body of the University may be. Thirdly, the medical graduates enrolled on the Provincial Registers, in fact all people who hold recognised qualifications under this Act if it becomes law, or qualifications of British Indian Universities, will be able to participate in the elections to the Council. When I made my motion

[Mr. G. S. Bajpai.]

that the Bill be referred to a Select Committee, I ventured to remark that the constitution of the Council should not be determined by any pre-conceived notions of political theory but that we should try to give it such a form that it will be able to discharge its functions of educational supervision and educational negotiation with efficiency, and with harmony. We think that ideal is recognised or realised even with the constitution that the Select Committee has proposed. It preserves the correct or the just balance between what might be called the demands of democracy and the demands of education. The third question with which the Select Committee concerned itself was the question of reciprocity. I do not think I can do better than refer Honourable Members to what the Select Committee have to say on the subject in the body of the report. They found that the provision in clause 9 of the Bill as introduced was not sufficiently precise. They have made it more precise. The Indian Medical Council will immediately after its constitution take up with outside bodies the question of the recognition of Indian qualifications and we earnestly hope that the result of its efforts will be a satisfactory solution of the unfortunate differences and difficulties that have arisen in the course of the last few years. Then there is one minor point which might also be mentioned. Honourable Members, especially the representatives of the Andhra Province and the Province of Bihar and Orissa were aggrieved that in the original Bill no attention was paid to the medical qualifications conferred by the University of Patna and the Andhra University.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : And Rangoon.

**Mr. G. S. Bajpai** : I am confining myself to the qualifications conferred by Patna and the Andhra Universities, because I see two Honourable Members, belonging to these provinces, are anxiously waiting to hear what we have done in this Bill for the recognition of these qualifications. I see also my Honourable friend over there from the land of silk and sunshine waiting to make sure that the interests of his province are not overlooked and therefore I am glad to say that Rangoon also has come within the purview of the Select Committee. The position was this. We felt that on a certain date—1930—certain qualifications were internationally recognised. Others were not internationally recognised. Since then no machinery has been in existence in this country which could testify to the present quality of these medical standards. We do not say that they are not up to the standard. We do not say that the quality is open to objection but the fact nevertheless remains that the task can best be entrusted to and be most competently discharged by a scientifically competent body and that, Sir, is the position which we have expressed in the report, namely, that the position of these qualifications is anomalous and that it will be one of the duties, the first duty indeed of the Council, after it has been constituted, to take up the question of the standards of examination and studies and so on in these Universities. Then let us hope they will include them in the first Schedule to the Bill. There is very little for me to say but I think it is right that I should remind Honourable Members that, in the footnote to

paragraph 123, of the proposals for Indian Constitutional Reform there is a reference to the Bill which we are now considering. This is how the reference runs:

“A question which will require separate consideration is with regard to the registration in India of medical practitioners registered in the United Kingdom. A Bill which has an important bearing on this question is at present under the consideration of the Indian Legislature.”

Now, Sir, I wish to explain the situation *vis-a-vis* the Joint Select Committee of Parliament which is seized of the proposals for Indian Constitutional Reform, from which I have just now quoted. The Committee has still to consider the position of British commercial and professional men and they will be entirely free to consider the subject in all its bearings. This is the constitutional position and I have mentioned it, so that there may be no possible misunderstanding on this subject. Before I resume my seat, Sir, I should like to express appreciation on behalf of those who sat on the Select Committee from this side of the House as also on behalf of Government, appreciation of the very legitimate criticism and the impartial effort made by Honourable Members who sat on the Committee from the opposite side for the solution of a very difficult and a very important problem and I believe that the Council, which we are about to bring into being, if it discharges its duties in the spirit in which the Select Committee did it, then there is no reason to doubt that it will discharge its duties with steadfast efficiency and with staunch loyalty to India's honour.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I congratulate the members of the Select Committee for producing a unanimous report on a problem in which the opinion not only in the country but also in this House was hopelessly divided. The amendments that have now been put down are really no amendments, but they only elucidate what is implicitly provided in the Bill itself.

I take this opportunity to draw the attention of the House to a few points. The first question I take is the question of hospitals which are attached to the Medical Colleges. We now find in practice that the hospitals attached to the Medical Colleges are of the same type as the hospitals maintained for charitable purposes either by the Government or by local authorities or individuals ; but it should be clearly understood that the hospitals attached to Medical Colleges are not hospitals in ordinary sense but they are scientific clinics. They ought to be very different from the hospitals maintained for charitable purposes. Now, we have a very good example of these scientific clinics in two or three places. In the first instance, I mention Vienna whose hospital is really a scientific clinic. Then I mention Edinburgh and a few Universities in America, especially Harvard University. These are really very good examples of scientific clinics and we should make every effort that our hospitals should approach these institutions. They should not compete the ordinary charitable hospitals. The kind

[Dr. Ziauddin Ahmad.]

of cases which ought to come in these Medical College hospitals should be the cases, whose diagnosis and treatment may form the history of the medical science, and they ought to keep up a very high standard in equipments, treatments and comforts. In this connection, I would like to refer to a book written by Mr. Flexner who himself is a medical man and who has compared the Universities of America with those in the United Kingdom and Germany. He has in his book mentioned the differences between the hospitals which are charitable institutions and the hospitals which are maintained by the Medical Colleges. I hope that this Medical Council, when it is established, will take these points into its consideration and try to maintain a very high standard in all the hospitals attached to these Medical Colleges. In order to do so, I would like to emphasise two facts. In the first place, the Medical College staff should not be entitled to receive any fee for any service rendered to the patients. I think this is a very important point. Any money that might be paid by the rich patients must go to the general fund. It should be deposited in a box and should not be the property of individuals. When I will move my amendment, I will cite cases to show how this privilege is misused in one particular University and in one particular Medical College. At the present moment I shall confine myself to the general remark that the staff of the Medical College should be paid sufficiently well. They should be paid with consideration that they are not entitled to any kind of fee or remuneration for services rendered to any patients inside the Medical College. The only fee to which they should be entitled is the fee which they get when they are invited by ordinary medical practitioners for consultation. I press these points for two reasons. In the first place, it is important in the interests of the efficiency of the Medical Colleges, if we really want to make them scientific clinics. In the second place, it is unfair to make the staff of the Medical College compete on unfair terms with private practitioners. The private practitioners are already handicapped and should not be further handicapped by unfair competition with the staff of the Medical Colleges who have got up-to-date expensive equipments at the expense of the Government at their disposal.

The next point to which I would like to draw the attention of the House is the question of inspection. In this connection also my remarks will be rather of a general nature and will be applicable not only to the teaching of medicine but to the teaching of all other subjects. In the Universities Act of 1904, there was a provision about the inspection of colleges by Universities. Now, this was a very wholesome provision. These Colleges after five years were inspected by the University Inspectors. They gave friendly advice and thus the standard of teaching was maintained at fairly high level. This provision continued to work satisfactorily, but unfortunately in the modern Universities which we enacted on the recommendation of the Calcutta University Commission this wholesome provision was entirely omitted. It was omitted because the Grants Committee came into existence in the United Kingdom in 1919, that is to say, two years after the report of the Commission was published. In the United Kingdom in the year 1919 under the influence of Sir William Carmick, the Grants Com-

mittee was established and this Committee is now doing very useful work in connection with the British Universities. This Committee consists of members who have got great University experience but none of them is directly connected with any University. Now, this Committee periodically inspects every University, gives friendly advice and by the timely advice the defects which the Universities may have are at once removed. The Government gives grants to various Universities on the recommendations of this Committee. I have reason to believe from my personal knowledge that this Committee is doing very useful work in raising the status and general level of the University education. In place of this periodic inspection provided in our Universities Act of 1904, we have got provision of Committees of Inquiry in our Modern Acts. This Committee of Inquiry is quite different from the Inspection Committee which visits Universities periodically as a matter of routine. It examines very carefully and gives friendly advice to the Universities in time, and their defects are removed. On the other hand our Committee of Inquiry is a punitive measure and is administered as a kind of punishment to the Universities and instead of doing any good to the Universities they do them positive harm. I do not want to go into details at this stage but if any one will challenge me on this statement, then beginning from Calcutta University to the Punjab University, I will illustrate by facts the harm they have done. As we are not concerned with the Universities in general in this Bill but we are concerned with the Medical Faculty only, I would like to emphasise that the Medical Council should institute Inspection Committees very much on the lines of the Grants Committee. It should consist of Inspectors who may periodically inspect these various Medical Colleges and submit their periodical report. It is essential that the Inspectors should be men with plenty of University experience and should not be men engaged in teaching in any University. This has been found to be practical in other countries and there is no reason why it should not be found practical in India. This provision may either be made in the Act itself or perhaps it might be made in the by-laws that may be framed under this Act.

The third point to which I would like to draw the attention of the House is the question of administration of these colleges. I am very strongly of opinion that all academic matters such as the prescribing the courses of studies, the teaching, the conduct of examinations and the standard of education, should be left in the hands of the academic men, but the administrative matters, such as, the appointment and the promotion of the staff, should be left in the hands of the non-academic men who should be persons who are not themselves the teachers in the same University. This remark applies not only to the Medical Colleges but also to Universities in general. We have got the example of one Medical College in India where we have tried this experiment of handing over the administration of the college to the academic officers which has singularly failed. I will refer to it in detail when I move my amendment on the subject. The Lucknow University is the only example, not only in India but probably in the whole world which is administered entirely by the staff of the University and the illustrations which I will give to the House when I move my amendment will show that it has singularly failed, and that the administration like



[Dr. Ziauddin Ahmad.]

other Medical Colleges should be taken over by the Government. I have studied University administration of practically every University in the world in connection with my book and I can find no example where the appointment of the staff is left in the hands of the teachers themselves except perhaps the examples of Oxford and Cambridge where the appointments are made by the members of the staff. But the conditions there are entirely different. In the first place, they first elect a fellow and the fellowship is very much like the scholarships which are awarded to men of their own colleges, and very often on the result of a rigorous examination. As the fellowships are practically reserved for men of their own colleges the selection could not be in the hands of any person except the staff of their own college. From these fellows they elect one or two teachers of the colleges and there also the selection is very close but when they come to appointments which are wide open namely professorships, they are made by the King and not by the staff of the University except in certain cases....

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : I must correct the Honourable Member on that point. Very few Professors at Oxford and Cambridge are appointed by the King.

**Dr. Ziauddin Ahmad** : I do not challenge the statement of my Honourable friend about number. I was speaking from memory. Professors are usually appointed by the King. I quite admit that there are certain professorships in which the special conditions are laid down by the Donors. The Donors have mentioned that appointments should be made in a particular manner and these are exceptions. As regards the Chairs created by University or endowed by Government, the case is different. I leave the detailed discussions because the Universities of Oxford and Cambridge are in a class by themselves and they have a tradition of 700 years. The Universities, like the British Houses of Parliament, cannot be copied by any other country. There are other Universities in the United Kingdom, such as the Midland Universities. There we find that they don't have in the Executive Council even the Vice-Chancellor if he is a paid officer. The President of the Executive Council which controls the finances is the person who is not engaged in actual teaching work of the University and is often a business man of great reputation.

Coming to France and Germany you will find that all appointments in the University are made by the Minister of Education. In France, all the major appointments are made by the Minister of Education. Though it is very important that all academic matters should be left in the hands of teachers, but it is equally important that all financial matters and all administrative matters must be left in the hands of persons who are not actually engaged in teaching work in that particular University. The points to which I have drawn the attention of the House are, (1) the standard of hospitals attached to Medical Colleges should be raised ; (2) that inspection should be similar to the inspection by the Grants Committee in the United Kingdom and it should not be a punitive measure like the Enquiry Committee in modern Indian Universities of India ; (3) that financial administration should be in the hands of persons who are not actually teachers in that particular college or University. In conclusion, I will congratulate once more all the members of the Select Committee for solving the vexed question of the regis-

tration of medical graduates. In my first speech I said that it was not desirable to register the individuals but we should try to recognise the Universities. The Select Committee acted really in a more generous way and the decision arrived at is really one with which I entirely agree. Coming to the constitution of the Medical Council, since the report is unanimous I accept its deliberation but personally I would not agree to a constitution which they have presented. But I do not raise any objection simply because the opinion of the Select Committee is unanimous. I have full trust in the members who formed the Select Committee and I am perhaps alone with a minority of one in not agreeing with the proposed constitution of the Council. As regards inspection I entirely agree with the recommendation of the Committee. I have got two or three amendments which are really of a verbal nature and they only mention explicitly what is implicitly provided for, but I will not press any of my amendments to vote.

**Dr. R. D. Dalal** (Nominated Non-Official) : Sir, on the motion to refer the Medical Council Bill to a Select Committee, I travelled so thoroughly over most of the ground that it is unnecessary to weary the House with any long speech. In my previous speech on the Medical Council Bill at the Delhi Session I paid a just tribute to the General Medical Council for the important part the Council had played in bringing University medical education in India to its present high standard ; and I was then taken to task and subjected to a chorus of denunciation, and poisoned darts were thrown at me. Sir, I have not one word to say in derogation of those who may hold opposite views ; but I would point out that it often happens that small minds can be most bitter in speech, and they count it no derogation to be so. However that may be, it is a relief to turn from this unpleasant point and to say that I rejoice that there seems a good prospect of the formation of a self-governing and independent organisation for the regulation of University medical education in India, which in the past had been subjected to outside control by the General Medical Council, and that the creation of a competent body such as the Medical Council provided for by this Bill will remove what has admittedly been the chief obstacle to restoring the reciprocity between India and Great Britain, which obtained until February, 1930. Sir, in this connection may I be permitted to remind this Honourable House of the lesson which the Free State of Ireland teaches us. It is interesting to study the history of the negotiations which have taken place between the Free State of Ireland and the General Medical Council. The Free State of Ireland desired to be completely independent of the General Medical Council ; but very soon the medical profession in Ireland discovered that it was very much in their interests to retain that connection. If rash and misguided counsels will prevail, India will undoubtedly have the same experience.

Sir, everyone must recognise the devoted services rendered by the licentiates—the men who come into contact with suffering and who come to the relief of the poor and who carry the torch of western medicine into remote corners of rural areas. But, I must confess that I feel much relieved that the Select Committee have avoided one peril. That is the peril of inclusion of licentiates within the scope of the Bill ; and I need hardly point out that that peril would have proved the grave of this measure. Section 11 of this Bill secures that there shall be no bar to the admission of an improved licentiates' qualification ; so the proper line of action for

[Dr. R. D. Dalal.]

the licentiates is to press for improvements in the standards of their course of training and examinations ; and the Medical Council provides the best prospect for the improvement of their status.

I hope nothing will happen to mar the progress of this Bill. After this Bill is passed and has received the assent of the Governor General, I would suggest that the Government of India should get the Medical Council into operation as soon as possible with the least possible delay ; and they should institute a minute inquiry into the existing standards of education of licentiates in various provinces. After the report of the Committee is considered by the Medical Council, the Council should lay down a minimum standard of education of licentiates—a standard which will be acceptable to other countries with which reciprocity is to be claimed. The provinces will then work up to that standard ; and if any province has reached that standard, it will apply to the Council for recognition. Sir, at first apparently this Bill had hardly any prospect of passing ; now suddenly and unexpectedly harmony prevails. It may be asked, what is this singular phenomenon due to ? Let me explain. The licentiates organised opposition and resisted to the utmost a measure which they felt and believed constituted a deadly blow to their prestige. Against this formidable opposition the Honourable the Education Member employed talents of persuasion, and displayed qualities of courage, resilience, and resource ; and owing to substantial changes in the character of the Bill the probability of this Bill becoming law amounts almost to certainty. I congratulate the Honourable Sir Fazl-i-Husain on the prospect of securing the passage into law of this useful Bill ; and I hope the success the Honourable Member is likely to achieve in this instance will be an encouragement to him to pursue his efforts on behalf of the medical profession and the public, and to initiate legislation as to Drugs Act, Pharmacy Act, Ministry of Health Act, and so on, and to exercise the same energy and pertinacity. Sir, every one will admit that the Honourable the Education Member has taken a deep interest in this Bill, and has all along striven hard to settle this difficult and long-vexed question. I am a graduate in medicine of the University of Bombay ; and on behalf of the medical graduates in India and on behalf of myself, however strenuously I endeavour to express our thanks to the Honourable Sir Fazl-i-Husain, I feel that my words must be inadequate to represent the depth and sincerity of our feelings towards him. I can only say that we are deeply grateful to him, and that we warmly appreciate his kind efforts on behalf of the medical profession in India. Sir, I support this Bill on account of the strong belief I hold that it will confer great benefits upon the public generally and on the whole medical profession in India ; and I feel confident that this Bill will prove worthy of its place on the Statute-book.

Now, Sir, if you will permit me, I shall just say one word as regards the allegations made by my Honourable friend, Dr. Ziauddin Ahmad, in respect of the Medical College Hospital at Lucknow.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Dr. Ziauddin Ahmad has given an undertaking to refer to that matter when he moves his amendment.

**Dr. R. D. Dalal** : Then I will speak on the amendment, Sir.

**Mr. S. G. Jog** (Berar Representative) : Sir, I must confess at the outset that I am not a doctor. At the same time, I must say that I have got much to do with the medical profession as a patient, and I hope the House will not be impatient, and will bear with me for some time.

This Medical Council Bill has for the last two years provoked much discussion throughout the length and breadth of the country. It has given a sort of convulsion to this medical profession at large and for the last two years they have been practically flooded with so many suggestions and so many amendments that the medical profession at large wanted to condemn us if the House did not throw out the Bill. They all along said that this was an aggression on the medical profession in India and, instead of giving medical Swaraj to India, Government were practically having their own way and setting up a body mostly at the dictation of the General Medical Council in England with a view to killing the medical profession in India. How far this attitude of the medical profession is justifiable is really open to grave doubt. The real criticism of the Bill came on account of the policy of segregation of the licentiates who form a great number in this country and who have rendered great medical services to the people ; and this was considered by the people at large as a great injustice to such a big class. It is no doubt true that Government had and have still got a step-motherly attitude towards the licentiates. They have got some prejudices against this class in general and I think their prejudice was more or less responsible for the views expressed in England by the General Medical Council. I find that in this matter dictation has come not only from above, but the Government of India, instead of asserting their wishes, are also getting pressure from below, I mean the Provincial Governments. I find that the Government of India have surrendered their wishes to the Medical Council and to the Provincial Governments. The Provincial Governments have raised many difficulties and they did not take up the case of the licentiates as they ought to have done. It is no doubt true that now, since this Bill has emerged from the Select Committee, this bone of contention about the licentiates has been skilfully removed by the surgeon in charge of this Bill ; but I think it has still left some poison behind it. You will find that the licentiates have not been given any recognition in this Bill. In the provincial registers, both the provincial graduates as well as the licentiates appear. If the medical advancement of India is desired by the Movers of the Bill, is it not necessary that these medical licentiates should have some voice in the election of persons to the Medical Council ? The Member in Charge is shaking his head and showing a sort of denial. But these licentiates have rendered great services to the country and they have been held in very high esteem, not only by those who do not belong to the profession, but even by those who belong to the profession. I would like to read only one certificate and that will convince the House. The opinion of Sir Abdulla Suhrawardy, the Vice-Chancellor of the Calcutta University and the Chief Medical Officer of the East Indian Railway, will show you that the licentiates of India are in no way inferior to their brethren in the foreign countries who are being enrolled on the Indian Medical Council Bill, and a grave injustice is being perpetrated on the licentiates of India, due to vested interests. This is what Sir Abdulla Suhrawardy said.....

**Mr. G. S. Bajpai :** Sir Hasan Suhrawardy, not Sir Abdulla Suhrawardy.

**Mr. S. G. Jog :** Anyway he is his brother and must be airing his views also. He said :

“ There may be diversity of opinion on the point, but still, from my own experience, the opinion that I have formed about licentiates is this..... Now, what I have formed is that amongst what we call the sub-assistant surgeon class, there are men whose knowledge of medicine, surgery and midwifery is as good as that of any product of any University. I can now clearly see that my colleagues today who are called sub-assistant surgeons have gone up more than 200 per cent. in their efficiency and standard of education. I feel that they are just as good as any L. R. C. P. the product of extra-mural institutions of British Isles.....if they are on Provincial Council's registers, then, for the sake of uniformity, why they should not be on the all-India register.”

I do not see any reason why, if these licentiates are on the provincial register, they should have no voice in the election of people. This is one grievance which I want to be remedied.

Another point I would like to raise is this. Even as regards the medical graduates, the attitude of the Government and of this Bill is not at all satisfactory. What is the provision concerning them ? I find various barriers put in the way of their election and nomination. What is the result of that ? If this Bill is meant to be on democratic lines, what is the provision for the medical practitioners ? I am reading from clause 5. You have imposed a condition that :

“ No person shall be eligible for nomination or election under clause (a) or (b) of sub-section (1) of section 3 unless he possesses a recognised medical qualification or a medical qualification granted by a British Indian University and no person shall be eligible for nomination under clause (a) of sub-section (1) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register.”

To this I have no objection. But, then comes (3) :

“ No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools.”

I say, these people, the private medical practitioners, have to put in four or five years in a Medical College and then they have to earn something for their existence. It is very difficult for these medical graduates to get any professorship or lectureship in order to make themselves eligible for this election. They have to take to private practice as soon as they finish their course, and I need not tell you what is the number of medical practitioners throughout India. What will happen to them ? After four or five or six years in practice, what is their position ? Will they be ever eligible for nomination or election to this body ? They will never be eligible. In four or five years do you expect them to become professors or lecturers ? In the beginning it is not possible for them to get any job like that ; and, after they are settled in practice, they will not take to any lectureship or professorship. Therefore, so far as these practitioners are concerned, they will have absolutely no voice in this Medical Council.....

**Mr. G. S. Bajpai :** I think my Honourable friend has not looked at sub-clause (c) of clause 3 (1).

**Mr. S. G. Jog :** I do not know whether (c) is to be read as subject to 5 (3).

**Mr. G. S. Bajpai :** No.

**Mr. S. G. Jog :** Then I stand corrected. I have given a few amendments, and I will take a little more time to consider whether I should move them when the proper time comes ; but I should like to tell the House that the purport of my amendments is, as I have said just now, that the licentiates, although they may not be eligible for election, even if they are on the register, should at least have the right of vote for selecting a man in whom they have confidence. There is nothing strange in this suggestion. In many bodies there are provisions like this. A man may not be eligible to be elected himself ; but he should have a voice at least in selecting a man in whom they will have confidence and we will be doing a great service to the licentiates if this could be done. If this suggestion is carried out, I think we will be rendering some useful service and showing some recognition of these licentiates as a whole. They should certainly have a voice in the medical advancement of India. My friend has pointed out that section 11—Recognition of medical qualifications granted by medical institutions in British India—does this. But the medical licentiates do not figure at all in this Bill and it is without doubt a grave injustice. But I for one have got faith in the future, and I for one have got faith in the good wishes and intentions of Government. When the matter comes to be reviewed and revised, I hope your angle of vision and attitude towards these licentiates will and should undergo a change and that you will take a more friendly view and, when the time comes, you will recognise these licentiates. So far as their course is concerned, I personally know that many of them hold very good qualifications. It is difficult nowadays to get admission into the Medical Colleges, and students who have passed the Previous and Intermediate attend these schools : unfortunately, they do find it difficult to get admission into the colleges ; but the course is for four years and at Poona and many other places the training is very efficient. There is no ground, therefore, for denying them these facilities. There are many licentiates who have risen to the post of Assistant Civil Surgeons and I can safely give this assurance that many of these Sub-Assistant Surgeons are far superior to these people of five or ten years' standing who come from the Medical Colleges. Therefore, your angle of vision must be changed so far as the licentiates are concerned, and when the time comes, I am sure, their merits and their qualifications will be fully recognised. With these few remarks, I commend the Report of the Select Committee. Sir, I may tell the House that there is great commotion in the country, there is great commotion among medical men in this country, and I must offer my thanks to those members of the Select Committee who laboured hard for bringing about a unanimous Report. Sir, I strongly support the motion that the Select Committee's Report be taken into consideration.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Mr. President, as a member of the Select Committee, I have to thank my friend, Dr. Ziauddin Ahmad, even for the left handed compliment he paid us, but if any compliment has to be paid to anybody, I think it is due to my Honourable friend, Mr. Bajpai, who has successfully piloted this Bill, and to his able chief, the Honourable Sir Fazl-i-Husain (Applause), not so much because of the provisions of the Bill as recommended by the Select Committee, because we claim,

[Mr. B. Sitaramaraju.]

we have as much a share in their shaping as they have, but because they have been able to carry the opposition with them in this matter, and, I am sure, it must be a source of great gratification both to Mr. Bajpai and to his able chief. Sir, nothing in this world appears to be quite happy always. Even in this debate, my friend, Mr. Bajpai has introduced a disturbing element, I should say, when he referred to the following passage, a footnote in the White Paper proposals. It is not necessary for me, Sir, to read again the little footnote, but this much I have to say that this footnote says that the question which will require separate consideration arises in regard to the registration in India of medical qualifications. This footnote occurs after a provision made in the White Paper proposals regarding the reciprocal treatment to be accorded to Indians. Paragraph 123 of the White Paper proposals says as follows :

“ The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting any British subject domiciled in the United Kingdom to any disability or discrimination in the exercise of certain specified rights. If an Indian subject of His Majesty or a company, etc., constituted by or under a federal provincial law as the case may be would not in the exercise of his right in the United Kingdom a corresponding right be subject to any disability or discrimination....etc.”

Further, Sir, with regard to companies, a similar provision in regard to reciprocity is made. Here this footnote says, when these White Paper proposals were drafted, the Government in England took note of the fact that we had before us this legislation, and they say that the question will be separately considered. Beyond that, it does not say anything.

Sir, Honourable Members are aware that reciprocity, absolute reciprocity, is the basis of this measure. We claim that we should be treated in the same manner by other countries as they would like us to treat them. When these White Paper proposals were made, no doubt His Majesty's Government was well aware of the fact that this legislation provided a scheme of reciprocity. At the same time, it must be remembered that when we referred the provisions of this Bill to the Select Committee, we were equally well aware, as the Government were, what the White Paper proposals were, because those proposals were published before the motion to refer the Bill to Select Committee was passed by the House. I do realise, Sir, our constitutional position. I cannot deny the right of His Majesty's Government and the British Parliament to pass any legislation that they may think proper, but I do say this much, that, on the question of reciprocity, we are all at one. The whole country is behind us, in holding that we will not be prepared to accept any scheme which does not confer on us absolute reciprocity. We are not prepared to accept that, and I would like to inform the Government Members, and, through them, His Majesty's Government that they should take note of the fact that we in this country are absolutely determined to have absolute reciprocity in this matter without which, Sir, this Bill is not worth the paper on which it is written. After all, the Provincial Governments, who were consulted in this matter, laid stress on the fact that there should be absolute reciprocity if the provisions of the Bill were to be of any use at all, and the Madras Government in particular has drawn pointed attention to the fact that if you do not give effect to the recommendations of the Simla

Commission, where they claim absolute reciprocity from the day on which the Act is to come into existence, they would rather have the Bill dropped. What did the Select Committee do? They did not go even the length to which the Madras Government was prepared to go. The Select Committee did realise that if tomorrow we insist upon absolute reciprocity, there may be difficulty to people actually following the profession here now who possess European degrees and other foreign degrees, because those men will have to be disqualified for want of simultaneous treatment forthcoming from those countries, and, therefore, a period of four years was given. That was the most reasonable thing that we on the floor of this House could do, and that was done. I need not dilate on the point raised by my friend, Mr. Jog, about the licentiates. Honourable Members are perfectly well aware that when we accepted the motion to refer this Bill to the Select Committee, this Assembly accepted one principle, and that principle was accepted, whether rightly or wrongly. And what was that principle? To provide an All-India Register and Council for higher medical education. I am not going into the question whether the Assembly was right in making it the principle, but that was the principle of the Bill, which was accepted, and, therefore, owing to the limitation placed upon the members of the Select Committee, they had to follow that principle which was accepted by the House, whether any in the Committee approved of it or not. Therefore, when the question of the Register has been dropped absolutely, I think all that could be done had been done so far as the status and recognition of the licentiates were concerned. More cannot be expected under the circumstances. Sir, I have done.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadian Rural) : Sir, I wish to say a few words at this stage, and, in doing so, I shall be as brief as possible. Honourable Members of the House might remember that at the Second Reading of the Bill, I said that the Council, as it was originally proposed to be constituted, would be a packed body of officials. Of course, certain alterations have been made in the Select Committee. But, Sir, I am not yet satisfied. You will find four classes

1 P.M.

of members according to clause 3 of the Bill. The first is : "one member from each Governor's Province, to be nominated by the Local Government of the province." It is obvious that members who are nominated by Local Governments would be officials. The second class of members is dealt with in clause 3 (1) (b) which says : "one member from each British Indian University, to be elected by the members of the Senate of the University from amongst the members of the Medical Faculty of the University." On the face of it, it looks all right, but, further down, if you look at sub-clause (3) of clause 5, it is stated :

"No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools."

That means that at least, so far as the Madras Presidency is concerned, no non-official member will come in. You know that in the Presidency from which we come there are no private medical institutions. All the Medical Schools and Colleges are owned by the Government, and naturally it is only Government servants that are engaged there for the purpose of teaching. No non-official medical practitioner,



[Mr. K. P. Thampan.]

however efficient he may be, is allowed to do any kind of teaching in those schools or colleges. So far as Madras is concerned, with which I am familiar, I am certain, there are no private medical practitioners coming under clause 3 (1) (b). The effect of that would be that men like the late Dr. Nair, who was a distinguished medical practitioner, would have no chance of coming into the Medical Council. There are distinguished men like Dr. Rangachariar, Dr. Guruswami and others who are acknowledged experts in surgery and other branches of medical science, but so long as they have no teaching experience they will have no place here according to these provisions. That is an aspect of the matter against which I must enter my emphatic protest. The third class of members of the Council is dealt with in (c) of clause 3 (1), and it lays down "one member from each province where a Provincial Medical Register is maintained". Probably some people elected under this clause may be non-official medical practitioners, but one cannot be certain about that also. The last class is dealt with in (d) : "three members to be nominated by the Governor General in Council". They are sure to be officials.

**Dr. Ziauddin Ahmad :** Why ?

**Mr. K. P. Thampan :** Because Government have their own purpose to serve and there is a brotherhood among the service. I am, therefore, afraid that the Bill, inspite of the changes made in the Select Committee, aims again to create a packed body of officials. It does not at all liberalise the constitution. Further, sub-clause (2) of clause 4 says :

"Where any dispute arises regarding any election to the Council, it shall be referred to the Local Government whose decision shall be final."

Generally, in all elections, such disputes are referred to a special tribunal consisting of people who have got some kind of judicial experience. Here it is entrusted purely to the Local Government. That, again, aims at entrusting such matters into the hands of officials, and, naturally, as our experience tells us, the chances are, whenever there is a dispute between an official and a non-official, the Local Government will prefer only the official. So, on the whole, I am afraid that it is not a very happy constitution which is provided in this Bill. One does not feel any enthusiasm over it. So much with regard to the constitution.

It ill becomes one to criticise the details of a measure on which there has been a unanimous agreement in the Select Committee. I will not, therefore, raise any new issues at these stage, but I must say one word with reference to the lack of any specific provision for the fund for defraying the expenses of this Medical Council. I am told the cost of this Medical Council would be about Rs. 60,000, and it has to be taken for granted that the general taxpayer.....

**The Honourable Khan Bahadur Mian Sir Fazli-Husain** (Member for Education, Health and Lands) : Will the Madras Government be willing to pay ?

**Mr. K. P. Thampan :** Did the Honourable Member consult the Madras Government or the Madras University ? I want a categorical answer.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No.**

**Mr. K. P. Thampan :** Both education and medicine are Provincial matters and if you ask, they may probably give. Apart from that, I am very much against the taxpayer being mulcted with these expenses. In the first place, as long as the step-motherly treatment that the Government have been giving to the Unani and Ayurvedic systems of medicine is continued, I am against making any distinction in favour of allopathic system of treatment. The Unani and Ayurvedic systems are indigenous systems and more suitable to the conditions of the country, but, on account of the neglect of the Government, they have very much deteriorated. As a matter of fact, no progress has been made during the last three or four centuries. On the other hand, the allopathic system, belonging as it does to the ruling class here, is given every kind of patronage and encouragement. That is an objectionable thing, and I am against making any contribution from the general taxes for the allopathic system of treatment. Further, this Bill benefits only a few students who go for higher studies to England. The proper body to foot the bill is, therefore, the University, and I trust that Universities and Local Governments will not be indifferent in this matter.

**Dr. Ziauddin Ahmad :** University's money is taxpayer's money.

**Mr. K. P. Thampan :** Not entirely ; they have their own resources such as examination fees, endowments, etc. There are a few other minor matters also which have to be remedied. Sir, you will find I have given notice of relevant amendments in connection with these aspects, but, as I said, the matter being one on which an unanimous agreement was arrived at in the Select Committee, I do not want to sound a discordant note. They can be amended afterwards in the light of the experience we gain by working the Act for some time.

(At this stage, the Honourable Khan Bahadur Mian Sir Fazl-i-Husain rose in his seat to speak.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member finish in five minutes, or would he prefer to speak after Lunch ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I may take about ten minutes,—not more than that.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Sir Fazl-i-Husain.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Sir, I very much appreciate the spirit in which today's debate has been conducted. The House has very successfully entered into the spirit in which the Select Committee set to work and achieved the result—an agreed report. Various explanations have been given of the way in which this result was achieved. All the explanations given up till now are very wide of the mark, and I should not like the House to remain under any misapprehension as to the real cause. The real cause is this. This legislation has been in hand for the last four years. It was opposed by provinces, by the profession and by non-official bodies. There was no one really who stood for it except perhaps the Department which was responsible for it four years ago. Then, how is it that we have arrived at an agreed report and a report which the House has honoured by treating as an agreed report acceptable

[Khan Bahadur Mian Sir Fazl-i-Husain.]

to it, and possibly without subjecting it to amendments. I must confess that it has been entirely due to my weakness. Seeing the stalwarts of the Opposition ranged against me in the Select Committee, there was no course open for me but to retire all along the line and the result has been an agreed report. That is an achievement of which one cannot be very proud, but still it is much better to tell the truth rather than take credit for something which one has not done. For instance, the Opposition were very keen that the Council shall not have a nominated President. I had to give way and say : " All right, have your way ". They were very keen that they shall have direct representation of the medical graduates to the Council. I felt that that was not the correct thing to do, but, under pressure, I gave way again. Again I felt that representatives of the Medical Faculty should be elected by the Faculty. They again pressed hard and said, the Senate shall elect. I again gave way.

**Mr. B. Sitaramaraju :** Did you give anything more than what you gave in your last speech ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I gave nothing away in my speech. I never make speeches to give away anything. In my speech I only tried to explain matters. However, Sir, this is a story of surrender from point to point, but, when I make that confession, I further wish to add that I am not ashamed of it. I felt that the object I had in mind was also the object which Honourable Members opposite had in mind. With that identity of object, we had just to modify the usual principle of give and take by my giving and their taking. Still I think the result is on the whole not unsatisfactory. The measure which will be passed with the unanimous support of the non-official section of this House stands a much better chance of making a success of itself than would have been the case, had I resisted these amendments and carried them by a majority. It was not worth it and that was really the reason how I justified to myself this retreat all along the line. The object of the Bill is efficiency at home and honour abroad. (Applause.) We want our medical institutions to be run efficiently, to be run in a way as to attract scholars of medicine from abroad, if not in all subjects, at all events in some subjects. Given that efficiency at home, is there any reason why we should not command honour abroad ? I am sure, Sir, we will.

Something has been said about the vexed question of licentiates. Let me once more give an assurance to the House that there is no one in the House more anxious to make sure that the licentiate education is on a sound basis than myself. And why ? Because, licentiates deal with a much larger section of the Indian population than graduates do ; and no one would be true to his duty who did not make sure that their instruction was as high as the circumstances would permit, and that those who rendered this service to such a large section of Indian people would be placed in as good and honourable a position as circumstances permitted. I will not detain the House by reviewing the speeches made this morning. I am sure, my friend, Dr. Ziauddin's observations will be read with great interest by Provincial Governments so far as their administration of hospitals and colleges is concerned and I have no doubt that scholars interested in education generally will benefit by his observations. As to the desire to improve the lot of the licentiates, I think I have made Government's position clear. As regards my friend, Mr. Thampan's ideas

about finances, I may remind him that when we made an inquiry from the Madras Government as to whether they would be prepared to tell us what form their co-operation will take as to the inquiry to be made into the education of licentiates, they expressed readiness to co-operate with us fully provided it was clearly understood that if finances were involved in the matter the Government of India would pay. That does not strike me as very hopeful. As to Mr. Thampan's suggestion that, in the matter of inspections, they will be willing to contribute....

**Mr. K. P. Thampan :** Both are different matters.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Quite so, and I can assure the House that under the very very vigilant financial supervision of my Honourable friend, the Finance Member, if we can make even a pice out of a province, we seldom fail to make an effort. So his view point is quite safe. To conclude, I very much appreciate the observations made by Mr. Sitaramaraju as to the constitutional position and the jurisdiction of the Joint Select Committee over it. The House has felt that the Bill has been under consideration for a long time, that it meets what the House considers are the just and fair requirements of the case and would proceed with it. Let us hope that it receives the careful consideration of the Joint Select Committee and the essential principles of the Bill meet with their approval. There may be principles which the British Parliament may feel called upon to alter and we all know they have a right to do so and we cannot question that right. Sir, once more, expressing my gratitude to the House for the kindly reception it has given to this measure which, in the past, has been so very contentious, I venture to express the hope that it may secure the object we have all in view—efficiency at home and honourable recognition abroad.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

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The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 16 stand part of the Bill.

**Dr. Ziauddin Ahmad :** Sir, I beg to move :

“ That at the end of sub-clause (1) of clause 16 of the Bill, the following be added :

‘ inspectors appointed under this clause shall be persons having experience of University administration but not actively engaged in teaching in any university ’.”

**Mr. G. S. Bajpai :** I hope my Honourable friend will see his way not to press his amendment. If my Honourable friend will see sub-clause (h) of clause 18, he will find that the Council is going to regulate such matters as appointment, powers, duties and procedure of medical inspectors, under the rules. I have no doubt that they will consider the suggestion of my Honourable friend.

**Dr. Ziauddin Ahmad :** In view of the assurance given by my Honourable friend I beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 16 stand part of the Bill.

The motion was adopted.

Clause 16 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

**Dr. Ziauddin Ahmad :** I have got an amendment to this clause. It is really not an amendment, but an explanation. Really speaking, the courses of study always include hospital practice, but this question was doubted in one University and, therefore, I thought I had better put it explicitly. But if the Honourable Member will say explicitly that, the course of instructions would include hospital practice, then I would not move my amendment.

**Mr. G. S. Bajpai :** I must say....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member does not move his amendment, but he wants some explanation from Government before he makes up his mind as to whether he will move it or not.

**Mr. G. S. Bajpai :** The course of study in the Universities does include hospital work.

**Dr. Ziauddin Ahmad :** In view of the assurance, I do not propose to move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

The motion was adopted.

Clause 17 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 18 stand part of the Bill.

**Sir Lancelot Graham** (Secretary, Legislative Department) : I beg to move :

“That in sub-clause (1) of clause 18 of the Bill, item (f) be omitted and the remaining items be re-lettered accordingly.”

Sir, in the Bill, as it is now before the House, item (f) of sub-clause 18 runs : “The conduct of business of Provincial Committees”. The Provincial Committees were provided for by clause 11 of the Bill as introduced, but that clause was struck out by the Select Committee and this, Sir, is accordingly a consequential amendment.

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that clause 18, as amended, stand part of the Bill.

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19, 20, and the First and Second Schedules were added to the Bill.

**Dr. Ziauddin Ahmad** : I have got an amendment to the First Schedule. Really I did not want to move the amendment, but only I want to draw the attention to irregularities in our University.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member will have a later opportunity to make a speech.

The question is that clause 1 stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. S. Bajpai** : Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

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#### RESOLUTION *RE* DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation.”

Sir, in the course of the discussion on the Pledging of Child Labour Bill, I put forward the proposition that, where children were concerned, all the Members of this House were Members for Labour. That proposition received such general support from all sections of the House that the House will, I am sure, sympathise with me in the position in which I find myself today in asking it to recommend to the Governor General in Council that it should not ratify a Convention, the underlying motive of which is the amelioration of the lot of children. I trust I shall be able to convince the House that there are compelling reasons why I have to bring forward this motion.

I am not sure whether the House remembers that, in September last, my Department circulated to all its Members the report prepared by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee, who represented the Government of India at the 16th Session of the International Labour

[Sir Frank Noyce.]

Conference, on the proceedings of that Conference. Probably very few Honourable Members have brought copies of the reports with them, and I have here a few copies which I am prepared to pass on to any one interested in this subject. I have also had circulated,—I think Honourable Members will find them in their places,—copies of Article 1 and Article 9 of the Convention with which we are primarily concerned.

Sir, I think it will facilitate the discussion of this motion if I indicate very briefly how this Convention came to take its present form. When the proposals first came before the Government of India, they very naturally consulted the Local Governments about them and the replies they got went to confirm their own provisional view that it would probably not be possible for India to go very far in the direction suggested. However, they were very anxious, if possible, to meet the Conference half way and they therefore instructed their delegates to press for certain special conditions for India. There are only two of these with which I need trouble the House now. The first was that the age limit contemplated for the Convention should be reduced to 10. The Conference was contemplating an age limit of 14 years below which the employment of children in non-industrial occupations should be prohibited. We suggested that, in the special circumstances of India, it should be reduced to 10. I wish to remind the House at this stage that this Convention applies solely to the employment of children in non-industrial occupations. Our second suggestion, which was a much more important one, was that, as far as India was concerned the Convention should only apply to certain specified occupations. Sir Bhupendra Nath Mitra put our case very forcibly before the Committee preliminary to the Conference which was considering these proposals and, as this House will remember, he can argue a case very forcibly. It received support from a very valuable,—I will not say unexpected,—quarter, that of Mons. Albert Thomas, the Director of the International Labour Office. I am sure the House will share the regret expressed in the report by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee that, shortly after this Conference was over, Mons. Thomas died. In him, the International Labour Office lost, as Sir Bhupendra Nath Mitra and Sir Atul Chatterjee said, a valuable public servant, one who combined idealism with a very practical turn of mind. India also lost a good friend for, throughout his connection with the International Labour Office, he had shown sympathetic co-operation and a very keen understanding of our special problems. He brought that practical turn of mind of his to bear on the proposals submitted by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee and warned the Committee that their only hope of securing India's ratification of the Convention was to accept those proposals. The Committee did so, but unfortunately, when their recommendations came before the full Conference, they were met with a certain amount of criticism and different proposals were put forward in regard to India by a lady from Spain. How much she knew about India I am not able to say, but it would seem that the Conference was carried away by her eloquence, and in spite of Sir Bhupendra Nath Mitra's protests, her proposals were carried by a small majority. In the result, the Indian Government delegates and the Indian Employers' delegate—you, Sir, whose support I should have been glad to have on the floor of the House now,—naturally found themselves unable to support the Convention with their votes. I should add

**DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR 1887  
ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.**

that, in this attitude, they were supported by a number of other Government delegates including the Government delegates from Great Britain and from Japan.

Now, Sir, I turn to the text of the Convention itself. As I have already pointed out to the House, the Articles with which we are really concerned are Articles 1 and 9. Article 1 merely defines the scope of the Convention and indicates that it applies to non-industrial employment. Article 9 is the important one. If the House will turn to Article 9, they will find that it is proposed that in India three things should be done. In the first place and the most important, it lays down that all children below 10 should be excluded from all non-industrial employment. It lays down, in the second place, that older children should be excluded from certain street occupations and also from itinerant trading ; and it lays down, in the third place, that children should be excluded from occupations involving certain dangers to life, health and morals. It is on the first of these stipulations that I would ask the House to concentrate its attention. If we adopt this Convention, all children under 10 will be excluded from all non-industrial occupations. Now, Sir, I would ask the House to consider in what non-industrial occupations children below 10 can be employed. Possibly some Members of the House may be able to throw light on the subject but, as far as I know, there are very few of them and I can only think of tennis *chokras* and golf caddies. The only really important occupation in which any child below the age of ten is likely to be employed is domestic service. My Honourable friend, Mr. Clow, reminds me that agriculture is excluded,—it is regarded for this purpose as an industrial occupation. As I was saying, the only really important occupation in which children below 10 are likely to be employed is domestic service, and I would ask the House how, if we adopt this Convention, we are going to enforce it. What sort of staff should we want ? How are we going to find out whether children below 10 are employed or not, without a host of inspectors and inquisitorial inspection ? I submit, Sir, that it is absolutely out of the question to enforce the Convention and that is the position I place before the House. Even if it were possible to do anything in this direction, I would remind the House that there are other and much more important questions which demand our first consideration. The House will remember that the Royal Commission on Labour specially investigated the case of children working in non-regulated factories. They drew an extremely lurid picture of the evils to which children are subjected in factories in which carpet weaving, the manufacture of *bidis* and mica splitting is carried on, and they suggested that the first step to be taken should be to exclude children under 10 from that kind of workshop and to limit the hours of older children. The House knows that I and my department have a big task before us in the coming months in piloting the Factories Bill safely through this House. As soon as we have finished that, I hope successfully, we propose to turn our attention to the non-regulated factories. They are going to be an extremely difficult proposition and it will take us some time to work out a satisfactory measure for dealing with them. I submit to the House therefore that they should occupy the first place in our attention and that they should also occupy the first place in the Local Governments' attention. We are not justified in asking the Local Governments to employ a staff to deal with abuses in regard to children in non-industrial employment before we deal with the far more urgent case of children in industrial employment in non-regulated fac-



[Sir Frank Noyce.]

tories. I trust, Sir, that I have convinced the House that I had no option but to bring forward this motion today.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation.”

**Mr. S. G. Jog** (Berar Representative) : Sir, I can see the mood of the House at just the lag end of the Session, but this is a sort of trust which I have accepted. As you will probably see from the amendment that stands in the joint name of Mr. Joshi and myself, this is the child or joint creation of the two of us, and, in the absence of Mr. Joshi, I for one am not prepared to withdraw it. However, the House cannot expect me to treat this child with the same affection with which probably my friend, Mr. Joshi, would have done—but I must do some justice to the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member move his amendment ?

**Mr. S. G. Jog** : Sir, I move :

“ That at the end of the Resolution, the following be added :

‘ but, at the same time, recommends that the Governor General-in-Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B. N. Mitra, Government of India's Chief Delegate at the Sixteenth Session of the International Labour Conference ’.”

Generally, the Government come before this House for ratification of Conventions ; and, at times, they come before the House with a proposal that such and such a thing should not be ratified. Government are both consistent and inconsistent many times. In this particular case Government say that this Convention should not be ratified by India. Before this matter came before the International Labour Conference, questionnaires were issued to the Government of India—I will not tire the House by reading all the questions and answers by the Government of India—but on the whole the attitude of the Government of India, so far as age was concerned, was really very sympathetic ; and, as a matter of fact, when the matter came up before the Conference, the Leader of the Delegation, in consultation and in agreement with you, Sir, moved an amendment which for the information of the House I will read, so that they can understand what the amendment was and to what extent the Government of India were prepared to go ; and now they want to go back behind the position which their own delegates took in the Conference there. As partial ratification of a Convention is not permitted by the Treaty of Versailles, Sir B. N. Mitra, on behalf of the Government, in agreement with Mr. R. K. Shanmukham Chetty, the Indian Employers' delegate, moved the following amendment at Geneva :

“ The provisions of Articles 2, 3, 4, 5, 6, 7 and 8 of this Convention shall not apply to India but in India—

(1) Children under ten years of age shall not be employed—

(a) in shops, offices, hotels, restaurants and places for the sale of drink,

(b) in places of public entertainment,

**DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR 1889  
ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.**

(c) in street trading,

(d) in any other non-industrial employment to which the provisions of paragraph one of this article may be extended by the competent authority :

Provided that in the interests of art, science or education, national laws or regulations may, by permits in individual cases, allow exceptions to the above provisions in order to enable children to appear on the stage, in cinematographic films and in other public entertainments.

The minimum age prescribed under this article shall not be less than that laid down in National Laws or Regulations as the minimum age for the admission of children into factories not using power, and which are not subject to the provisions of the Indian Factories Act.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority after consultation with the principal organisations of employers and workers may declare to involve danger to health or morals.

(3) National laws or regulations shall provide for the due enforcement of the provisions of this article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this article.

(4) The competent authority shall, after a period of 5 years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increase the minimum ages prescribed in this Convention."

This amendment was lost in the plenary session of the Conference, but at any rate it gives an idea of the attitude of the delegates of India so far as the minimum age in non-industrial occupations is concerned. When this matter came up before the Council of State for discussion, the Honourable Mr. Clow said :

"The reason, which prevents the Government of India from ratifying the Convention, is the administrative difficulty in the way of enforcing a Convention which, in its scope as defined in Article 1, includes all employment not dealt with in the three age-of-employment Conventions adopted by the 1919, 1920 and 1921 Sessions of the International Labour Conference."

By way of illustration of Government's practical difficulties, Mr. Clow pointed out that the Convention included children in domestic service, and if India were to ratify the Convention in its present form, the inspection services of the Government would have to be increased to an extent, and expenditure entailed, beyond the resources of the Government. At the same time, he admitted—on the admission of the representatives of the Government of India at the Sixteenth International Labour Conference, that there are however, no such insurmountable administrative difficulties in the way of the enforcement of the Convention, if provision is made in it, so far as India is concerned, to specify the occupations in which the minimum age principle should be applied, instead of laying down that the Convention is to cover all children not covered by the minimum age Conventions of 1919-21, but, as partial ratification was not considered practicable, this amendment was not moved.

Further, Sir, the Government have not brought forth any excuses on financial grounds. Whenever they do not want to do a thing or shirk their responsibility, they always bring up a number of difficulties, but whenever they are inclined to do a thing, financial difficulties never come in the way. This is the attitude the Government generally take. As regards the partial ratification or giving effect to such Conventions, if the Government have any difficulty, I for one think that such difficulties can be solved. I am told that on previous occasions when any Labour Conven-



[Mr. S. G. Jog.]

tion used to be discussed in the Assembly, the Government rejected that Convention, but announced that they were prepared to give practical effect to the declarations made at Geneva by their delegates. Therefore, I suggest that although it might not be possible to give full effect to the Convention, still, taking into consideration the special circumstances of India, it might just be possible to give effect to the suggestions to which the delegates of the Government of India were prepared to go, and include some such suggestions in their proposals regarding the restrictions on age. At least it is time that we made a beginning; if we cannot include all occupations, we ought to include such occupations where this Convention might advantageously be used. Sir, I make these suggestions, and I hope that the Government will give effect to their own suggestions and will not shirk their responsibility which they have themselves accepted in the International Conference. Sir, I commend my amendment for acceptance by this House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That at the end of the Resolution, the following be added :

‘ but, at the same time, recommends that the Governor General-in-Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B. N. Mitra, Government of India’s Chief Delegate at the Sixteenth Session of the International Labour Conference ’.”

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, I rise to support this amendment. While this Convention lays down 14 years as the age limit for admission in respect of children of other countries, they make an exception in favour of India and fix the age limit at 10 years. When the question was being discussed in the International Labour Conference, the Workers’ delegates were opposed to this exception being made in favour of India. It was only to accommodate the Government of India with a view to facilitating ratification of the Convention by India that the Conference went out of its way and incorporated Article IX and fixed the age limit for India at 10 years. As the Honourable Sir Frank Noyce has pointed out, Mr. Albert Thomas took the unusual course of attending the Committee meeting and persuaded the Committee to accept this amendment, because, he said, that that was the only chance of getting India to make the ratification. You, Sir, were the Employers’ delegate when this question was discussed, and, with your permission, I should like to read out from your own speech which you made on that occasion. This is what you said, Sir :

“ I made it plain in the Committee, and let me reiterate with all the emphasis that I command in this conference, that in the consideration of this question of ameliorating the condition of the children of my country, the Indian employers yield to no working class representative in this conference. Purely from the humanitarian point of view, I should like to see the children of my country enjoying the same measure of protection as the children of every other civilized country in the world. Happily for us, this is one of those subjects in which the conflict between the employer and the worker can be reduced to an absolute minimum. When we consider the social legislation embodied in the various Conventions that come before this Conference, there naturally arises a great conflict between the points of view of the employer and the worker. But I maintain, Mr. President, that (at least in India) in the consideration of this problem, the Indian employer will not yield to the worker of any country in his desire to protect and ameliorate the conditions in his country.”

My only regret is, Sir, that you are not on the floor of the House to espouse the cause of the children of this country. But, as you very

**DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR 1891  
ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.**

rightly pointed out, this is one of the rare occasions on which the employers and the workers are in agreement, and yet the Government of India refuse to ratify this Convention. I think this Convention has been welcomed as the Children's Charter, and this humanitarian measure, I am surprised to find, the Government of India are not willing to ratify. They are trying to resile from the position they had actually taken up when the questionnaire was sent out by the International Labour Office. On that occasion, the Government of India showed a very conciliatory and a very reasonable attitude.

Now, I will examine the provisions of this Article in the light of the reply that was sent by the Government of India, and show to this House that this Convention, in all essentials, is based on the reply of the Government of India. The only Article that deals with India is Article IX, and that Article says :

“ Clause 1. The employment of children under 10 shall be prohibited ”. *This is what the Government of India say in their reply to the questionnaire :—“ If a general age limit is prescribed in a Draft Convention, it should not exceed 10 years for India.”*

It is entirely in accordance with the reply sent out by the Government of India that this clause has been drafted.

Then, Sir, there is the proviso with regard to arts, science and education making an exception, and that proviso was moved by Sir Bhupendra Nath Mitra himself in the Committee and in the Conference.

Then, Sir, there is another proviso which says :

“ Should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding 10, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph.”

This was the amendment that you yourself moved, Sir, in the Committee and that amendment was accepted by the Committee.

Then, there is clause 2, which is also in entire agreement with the views expressed by the Government of India, and it was moved by Sir Bhupendra Nath Mitra himself. This is how the clause stands :

“ Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organizations of employers and workers concerned, may declare to involve danger to life, health or morals.”

This is exactly what the Government of India recommended, and their reply to the questionnaire is given at page 118, and this is what they say :

“ The employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals should be entirely prohibited. But it should be left to the competent authority in each country to determine what occupations are dangerous in character or likely to be injurious to the health or morals of children. A specific list of such occupations should not be incorporated in a Draft Convention.

A special minimum age would appear to be desirable. If the general minimum for India is fixed at 10, the special minimum age should be 14, which may be raised at the discretion of the competent authority.”

These replies, Sir, and the Government of India's reply are in agreement.

Then, Sir, there is another clause, clause 3, which gives power to the Government of India to raise the age from 10 to 14 if they consider it necessary.

[Mr. Abdul Matin Chaudhury.]

Clause 4 deals with the question of enforcement, and it has been left to the competent authority in each country to deal with the matter as they think best, and this clause was also moved by Sir Bhupendra Nath Mitra and was accepted by the Conference.

Then, Sir, there is the fifth clause which you yourself moved, and that clause says :

“ The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.”

I do not find any difference in the replies given here and that given by the Government of India, and, therefore, I do not understand why they should resile from the position they had taken up. The only objection raised against it is in regard to the enforcement of this Convention. Sir, I do not minimise the difficulties of enforcing this Convention, but if any one recognises that there is a difficulty, that should not stand in the way of giving legislative effect to these Conventions, because I quite admit that this Convention cannot be enforced in the sense that every violation of this Convention shall be followed by prosecution. But, Sir, that is a characteristic which is common to all social legislation. We have got our Factories Act, and I think my friend, Mr. Clow, will agree with me that every infringement of the Factories Act is not followed by a prosecution. We have got the Workmen's Compensation Act, and I do not think that every victim of an accident gets the compensation to which he is legally entitled. In many cases the claims are not preferred at all. We have got the Sarda Act also, and there many instances, in which the provisions of that Act are violated and such cases are not followed by a prosecution. I maintain, Sir, that the main object of this social legislation lies in its educative value, in the restraining influence that it exercises,—because it operates as a check ; but it is a step forward in social progress notwithstanding all that, the Government of India do not seem to move in this matter.

With regard to the amendment of Sir Bhupendra Nath Mitra, just as my friend, Mr. Jog, read out in the House, he enumerated certain categories of workers who were to be specified in the Convention, and that was agreed to in the Committee. When it came before the Conference, just as the Honourable Sir Frank Noyce has pointed out, Mrs. Palencia, a Spanish Workers' Delegate, moved an amendment that, instead of specifying the category of worker, there should be a general prohibition and that amendment was accepted by the Conference. Because the Conference accepted her amendment, there is no reason why the Government of India should go back upon their own recommendation. If they are not going to ratify this Convention, they should at least give us an assurance that they are prepared to go as far as they went in their reply or as far as the amendment moved by Sir Bhupendra Nath Mitra.

**Mr. N. R. Gunjal** (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member spoke in the vernacular.)

**Mr. G. Morgan** (Bengal : European) : Sir, after the very clear statement made by the Member in charge, there is very little for me to say with regard to the Resolution before the House. As regards the

**DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR 1893  
ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.**

amendment, I have every sympathy with it, and I would be prepared to support it if the wording were slightly different.

The Mover of the amendment says : " take steps to give effect to the proposals contained in the amendment proposed....". That might not be feasible after the question was thoroughly examined. Had the wording been, " proposals on the lines contained ", I should have supported the amendment. The idea of the Mover is perfectly right, but I should not like to be a party to tying the hands, even though this is only a recommendation, of the Government to the proposals actually contained in the amendment of Sir Bhupendra Nath Mitra. If I remember rightly, this was discussed in a Committee of which I was a member, and, in discussing the details of Sir Bhupendra Nath Mitra's amendment, we came to the conclusion that the administrative and financial difficulties would be enormous and we could not possibly light-heartedly agree to the ratification of the Convention. The department has got its hands full at the moment with the Factories Act, and the Honourable Member in Charge has given an assurance that after that Bill is, I hope, successfully passed by this Assembly, the question of this child labour in non-industrial employment will be taken up and I feel perfectly certain.....

**Mr. A. G. Clow** (Government of India : Nominated Official) : May I correct the Honourable Member ? That was not the assurance at all. The assurance related to children in industrial employment in non-regulated factories, not to children in non-industrial employment.

**Mr. G. Morgan** : Still I have every sympathy with the idea underlying this amendment. Nobody wants to see child labour exploited in any country, nor do we want to see young children working long hours and in industries which are unsuitable for persons of tender age. That is the last thing anybody wants. In America, they have taken steps already to do away with child labour on certain lines. The amelioration of the lot of children in regulated factories is receiving our attention, and that of children in non-regulated factories must receive attention as soon as the Department has time to consider the subject. With regard to the amendment which has been moved, I regret that I cannot support it in the actual wording in which it is couched, but if the Honourable the Mover would accept the words " on the lines contained ", I should be very glad to support the amendment.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I thought, after the lucid speech and the clear and convincing arguments of my Honourable friend, Sir Frank Noyce, Mr. Jog would not come forward with his amendment. I think the greatest argument in support of this Resolution is that even our Labour Department which is so liberal in labour legislation opposes this particular recommendation. As regards the argument brought forward by my friend, Mr. Abdul Matin Chaudhury, I say, that I would have supported his suggestion wholeheartedly if there had been compulsory education in this country. But, unfortunately, our children have no schools to attend. They have no occupation at all, and if you legislate that they should not have any occupation, I think we will be unfair to our children and we shall be really forcing them to spend their time in unhealthy surroundings and idleness and become bad citizens of our country. With these words, I support the original motion moved by the Honourable Sir Frank Noyce.

**Mr. F. E. James** (Madras : European) : Mr. President, I would only like to mention two things about this matter. The first is to rebut the statement made by my Honourable friend, Mr. Abdul Matin Chaudhury, that the present Government, in their labour legislation, are very slow. As a matter of fact, I may say that the Government of India, on their labour side, are regarded by some people in this country as perhaps the most revolutionary Government in the world.

**Mr. Abdul Matin Chaudhury** : I said in this particular instance. I never said, as a general proposition.

**Mr. F. E. James** : I do not think that it will be accepted even in this particular instance. I may inform the House that, in certain circles of this Assembly, there is a well-known rhyme which describes the situation graphically ; I am sorry that Mr. Joshi is not here to hear it. The rhyme is :

“ Joshi had a little lamb  
Whose name was Mr. Clow ;  
And everywhere that Joshi went  
The lamb was sure to go.”

I suggest, Sir, that it does not give the indication that the Government are behind most other civilized Governments in connection with labour legislation. But there is one point to which I should like to draw the attention of the Honourable Mr. Jog and that is in connection with the nature of the conventions which are passed at these International Labour Conferences. As my Honourable friend no doubt knows, these Conventions are International agreements under the peace treaties which must be applied to all Governments that have ratified them. Yet a Convention does not necessarily remain inoperative unless it is ratified. Certain countries, for example, have not yet ratified some of the most important Conventions that have been passed. I may mention as an illustration the 8-hour Convention which was passed at Washington and which many countries have not yet ratified ; and yet those very countries have been greatly influenced in their legislation by the existence of that Convention.

**Mr. S. G. Jog** : That is exactly my point.

**Mr. F. E. James** : I am again in agreement with my Honourable friend. I suggest to him that the non-ratification by this Legislature of this Convention does necessarily mean that the underlying principles of this Convention will remain for all time inoperative in this country. I would have been glad, like my Honourable friend, Mr. Morgan, to have supported his amendment, if it had been worded in a somewhat different form. I suggest to him that if Government give him an assurance that they will examine very carefully the proposals contained in the amendment of the High Commissioner at Geneva, he should withdraw this particular amendment. If, however, he presses his amendment, it will have the unfortunate effect of driving some of us to vote against him. We do not feel that we can tie the Government down to a promise of this legislation. Government will be in the position of every other Government if they are not able to ratify this Convention ; they will have a free hand. So long as the present Member of the Industries and Labour Department holds his office, I am quite sure that this point will be given the most careful attention. Therefore, I would suggest that my Honourable friend should with-

**DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR 1895  
ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT.**

draw his amendment and allow the House to vote on the main proposition.

**Mr. S. G. Jog :** Sir, I have no special fascination for any particular form of my amendment. I am quite prepared to alter it as suggested by my friend, Mr. James, and, if the Government come forward with some hopeful assurance, I will be inclined to withdraw my amendment.

**The Honourable Sir Frank Noyce :** Sir, I must profess to a feeling of considerable surprise that this amendment should have been brought forward by my Honourable friend, Mr. Jog. He has charged the Government with inconsistency in this matter and in labour matters generally. His memory seems to be shorter even than that of Government. I should like to refer the House to what he said during the discussion on the Pledging of Child Labour Bill. He said :

“ At the time when this Bill was introduced I had an occasion to talk on this measure and even at that time I gave a warning that they were rather going too fast so far as the welfare of children is concerned.”

**Mr. S. G. Jog :** The Government are stationary ; they must move.

**The Honourable Sir Frank Noyce :** We have accepted Mr. Jog's advice ; we are not going too fast in this matter and he is the first to cast a stone at us for doing so. I much regret that it is not possible for me to accept the amendment even in the modified form in which my friend, Mr. Morgan, would like it recast. It seems to me that there may be some misapprehension in the minds of some Members of this House as to what it is exactly that we are dealing with. I thought I may make it quite clear that we are dealing with non-industrial employment not with employment in factories. The position of the Government of India is that this question is neither urgent nor important. They were prepared to co-operate in securing an international agreement, and if their amendments had been accepted, they would have been willing to discuss the question with Local Governments with a view to the adoption of the Convention, if possible. Their efforts at compromise were rejected. I submit that when we go half-way and the other side does not meet us half-way, we are discharged from any obligation. I think the House knows me well enough to know that I am behind no one in my desire to ameliorate the lot of children and it is just for that reason that I object to this amendment. I would submit that our first duty lies to the children in non-regulated factories, children who are engaged in splitting rice, carpet weaving and making *bidis*. Until we have dealt with them, I submit that it is merely window dressing to legislate for the children in non-industrial employment. We have quite enough to do. We have to utilise all the energy and resources that we and the Local Governments have to solve the question of factory labour and of labour in non-regulated factories. The only assurance I can give to the House and I give that assurance gladly is that when we have got these two major problems out of the way, then we will examine this question further and see what can be done. Further than that, I regret, I am unable to go, and, I hope that will be sufficient to satisfy my Honourable friend, Mr. Jog.

**Mr. S. G. Jog :** I am satisfied with the assurance given by the Honourable Member in charge which, I think, is quite enough for the time being. Therefore, I feel inclined to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.



**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that the following Resolution be adopted :

“ That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation.”

The motion was adopted.

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**RESOLUTION *RE* AMENDMENT OF RULE RELATING TO THE CONSTITUTION OF THE COMMITTEE ON PUBLIC ACCOUNTS.**

**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I beg to move the Resolution that stands in my name, which runs as follows :

“ This Assembly recommends to the Governor General-in-Council that Rule 51 of the Indian Legislative Rules should be amended so as to provide that when the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63-D (1) of the Government of India Act, a new Committee on Public Accounts shall be constituted at the end of the said period of three years and shall be subject to all the existing provisions of rule 51 relating to the constitution of the Committee on Public Accounts.”

Sir, Honourable Members, who are or who have been members of the Public Accounts Committee, will be aware of the purpose of this Resolution. Rule 51 of the Indian Legislative Rules, as it now stands, contemplates an arrangement by which changes are effected in the personnel of the members of the Public Accounts Committee from year to year. But, Sir, that provision automatically comes to an end at the conclusion of the third year of the life of the Assembly. The result is that if the life of the Assembly is extended by the Governor General, there is no provision for bringing new blood into the Public Accounts Committee. Sir, Members of this House are well aware that a message was received from His Excellency the Governor General in Delhi on the 6th March intimating that it was his intention to extend the life of the present Assembly. That being so, the question arose as to what action we should take in respect of rule 51 of the Indian Legislative Rules. It appeared to us that there were three ways of dealing with this question, but as Honourable Members have not for the most part got copies of the rules in their hands, I do not propose to trouble them with all these three ways. The Public Accounts Committee were consulted and they definitely prefer the proposal which we now put before the House which is that in January next we should proceed as if we were a new Assembly and should elect a new Public Accounts Committee and the result will be that rule 51 of the Indian Legislative Rules will then apply and, should the life of the Assembly be extended beyond the year, the necessary proportion of elected Members will retire as they do now at the conclusion of the first year of the life of the Legislative Assembly. Sir, I move.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : This is also a recommendation of the Public Accounts Committee unanimously passed during the last meeting. So I support this motion.

**AMENDMENT OF RULE RELATING TO THE CONSTITUTION OF THE COMMITTEE 1897  
ON PUBLIC ACCOUNTS.**

**Mr. N. R. Gunjal** (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, speaking in the vernacular, supported the Resolution.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ This Assembly recommends to the Governor General-in-Council that Rule 51 of the Indian Legislative Rules should be amended so as to provide that when the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63-D (1) of the Government of India Act, a new Committee on Public Accounts shall be constituted at the end of the said period of three years and shall be subject to all the existing provisions of rule 51 relating to the constitution of the Committee on Public Accounts.”

The motion was adopted.

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**DEMAND FOR SUPPLEMENTARY GRANT.**

**CIVIL AVIATION.**

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of ‘ Civil Aviation ’.”

Sir, on this matter as far as any general explanation is required by the House, my Honourable colleague, Sir Frank Noyce, who is in charge of the subject will speak. I only desire to make two points of purely financial significance in support of the motion. In the first place I would like to explain that the sum referred to does not represent anything in the nature of an increase in the current expenditure of the Government. It is composed of two items, an item of Rs. 95,200 which is classified for technical purposes as a subsidy to the new air service but which in fact only represents the remission of certain customs charges, landing charges, etc. The charges would not be earned unless the service operated, and we are not out of pocket in any way on account of this arrangement. The other part of the sum is a sum of Rs. 1,68,000 which represents the Government investment in the new company of Trans-Continental Airways. That we hope may eventually prove to be a profitable investment. It does not represent recurrent expenditure. That is my first point. My second point is this that we are moving this motion on the express recommendation of the Standing Finance Committee. The Standing Finance Committee considered the whole proposal very fully a few days ago and approved the proposal. But they put in a special recommendation that as a payment on account of the subscription to the Trans-Continental Airways had to be made on the 1st October the matter should be referred to this House before any further financial payment was made. Therefore we have followed out that recommendation in asking the House to consider this supplementary grant specially today. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved ;

“ That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of ‘ Civil Aviation ’.”

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I am very glad indeed that the request—a proper request if I may venture to say so—of the Standing Finance Committee that this demand should be placed before this House this Session has given me this early opportunity of explaining to the House its full significance. I do not think it necessary for my present purpose to delve into ancient and, perhaps, in view of the long delays involved, I might say rather melancholy history, especially as we are, I am convinced, at the dawn of a far brighter era as far as civil aviation in this country is concerned. (Hear, hear.) But I do wish to remind the House of two salient facts. The first is that, for a short period from December, 1929, to December, 1931, there was a chartered air service between Karachi and Delhi which cost the Government of India over 4½ lakhs a year whilst the revenue from it did not exceed Rs. 50,000 a year. I would ask the House to bear those figures in mind in considering the arrangements we are now discussing. The second is the recommendation of the Retrenchment Committee that the scheme for the inauguration of an Indian State Air Service should be held in abeyance.

Unfortunately, it is not possible to keep aircraft in cold storage and the aircraft which had been purchased for this service had to be sold at a loss of £13,000 on an outlay of about £45,000. When the inauguration of the Indian Air Service was postponed (it had not been started ; the aircraft for it had merely been purchased), the best that could be done for the time being was to contract with the Delhi Flying Club for the carriage of mails from Karachi to Delhi. Whilst India was practically standing still, other countries were not idle. The Dutch and the French Air Services were operating across India and, in the circumstances, it was not unnatural that important interests in places east of Delhi, Cawnpore, Allahabad and especially Calcutta, began to get restless and to ask why they were denied facilities which were being given to Western India, not very complete facilities it is true, but still facilities.

I should perhaps remind the House that under the Air Convention, a country has the right to give or to refuse permission to the operation of an air service across its territorial limits but that most countries, certainly all the prominent civilised countries, have given this permission. It was in accordance with this practice that permission was given to the Dutch and the French services to operate across India. The question was raised why use could not be made of these services. Apart from other considerations, it should be obvious, Sir, that if this had been allowed, all hope of India having an air service of its own would have receded to the dim and distant future. That sums up the position as it stood about eighteen months ago. A proposal was being worked out for the extension of the Karachi-Delhi mail service to Moghalsrai, when the question became of urgent importance owing to the fact that Imperial Airways found themselves ready to expand their service to Singapore and on to Australia, the Australian Government having agreed to bear their part in the extension of that service to that country. As permission to operate across India had been granted to the Dutch and the French services, it would have been impossible to discriminate against Imperial Airways ; and once the Imperial Airways service was in operation, there would have been nothing for an Indian air service when it started, but the internal mails. This being the case, it became a question of great importance to secure to India, as large as possible, a share of the air service on this important link. It was very fortunate for India that my Honourable Colleague, the

Leader of the House, was in England last year and that he was willing to devote no small part of his very short leave to negotiations with the authorities in England to that end. I am sure the House will agree that the interests of India could not have been in better hands. (Applause.) The result of his efforts—I hope I shall convince the House, it will be my fault if I do not—that they were very successful efforts, are embodied in the somewhat colourless terms of the Press Communiqué which was issued on the 9th May, 1933. The House may wish to refresh its memory and I will, therefore, read to it the greater part of that Communiqué :

“ Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Limited), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited and Imperial Airways, Limited. The directors will be selected by the shareholders and the majority will be Indians. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured. The arrangement for the joint working of the Karachi-Singapore Service will continue till the 31st March, 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires. By means of this agreement, the participation of an Indian company employing Indian personnel, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore) of the Imperial route to Australia will be secured.

Indian National Airways, Limited, will be formed with rupee capital, and plans for operating certain branch services are already in preparation.”

That, Sir, represents the outcome of the negotiations. As I explained in reply to a question asked by my Honourable friend, Mr. Gaya Prasad Singh, in this House a few weeks ago, the authorised capital of Indian Trans-Continental Airways is Rs. 10 lakhs of which Imperial Airways hold Rs. 5,10,000, Indian National Airways Rs. 2,50,000 and the Government of India Rs. 2,40,000. It is to meet the first call on the Government of India of Rs. 96,000 and the further call of Rs. 72,000 which will be required during the current year and also the cost of certain customs and other concessions which they have agreed to grant to Trans-Continental Airways and to Indian National Airways that this demand has been brought forward.

Now, Sir, I wish to dwell for a few minutes on the reasons which led the Government of India to adopt this scheme and to subscribe capital in association with Imperial Airways and Indian Trans-Continental Airways. It is perfectly clear that the air service as at present organised could not be operated without a subsidy. The House knows the financial position of the Government of India as well as I do and they know that the Government of India are quite unable in present conditions to subsidise such a service. The Government of the United Kingdom on the other hand, are able and willing to provide annually for a period of about six years terminating on the 31st March, 1939, a subsidy divisible between the two companies operating the services. As was stated in the note supplied to the Standing Finance Committee, the maximum subsidy in respect

[Sir Frank Noyce.]

of the Karachi-Singapore service, if a regular weekly service is maintained, is £40,000 for the first year of through service to Australia, £30,000 for the 2nd and 3rd year of through service and £20,000 a year for the remaining period. These maxima are, it should be noted, allocated in definite proportions for the various sections of the route. In these circumstances, I trust the House will agree that the Government of India would not have been justified in withholding consent to the establishment of a service which they themselves were not in a position to provide. The extension was, in fact, long overdue and the effect of the delay in establishing it was being increasingly felt in the form of pressure not only, as I have said, from interests in this country but also from the foreign services operating over India, in which India had no part and no opportunity of taking part. But, even if the Government of India had been in a position to revive the project of a State Air Service over the Indian portion of the route, there can be no doubt that such a service, lacking as it would have done the close co-ordination provided by unified technical management, would have fallen so far short of the efficiency which will be provided by the present arrangement that it would not have offered an acceptable alternative. The fact that the present Trans-India service makes it possible to employ a unified fleet from Karachi to Singapore, instead of there being an Indian section and an extra Indian section within those limits, is a factor of the utmost importance.

I trust that the House will also agree regarding the desirability of the Government of India themselves taking a share in this most important scheme. By so doing, they have secured a more effective control of the development of air services across India. I should perhaps inform the House—I do not know whether the Standing Finance Committee elicited the facts in the course of their close cross-examination of the representatives of my Department—that the shares held by Indian National Airways may not be disposed of without the consent of the Government of India and further that the interests of the Government of India are safeguarded by an undertaking that the shares held by Imperial Airways will not be disposed of in any manner which would materially change the character of the present arrangement.

Those, Sir, are the financial considerations. I now turn for a moment to other considerations and, from that point of view, the arrangements we are now discussing provide benefits to India of very great value. Instead of an Indian service growing up independently, in advance of technical development in this country, and learning by its own mistakes to solve the problems which have already been overcome in other countries, the Indian participation in Indian Trans-Continental Airways provides for development under the guidance of one of the most experienced air transport companies in the world which has an unsurpassed record of efficient and economic operation. Throughout the negotiations the Government of India have attached the utmost importance to the employment and training of Indian personnel and, as the House will have observed from the terms of the communiqué, I read out just now, the arrangements we have made provide for these. Again, the advice and experience of Imperial Airways in the development of internal services will be at the disposal of Indian National Airways, and that is an additional factor of much significance in the development of Indian aviation.

To sum up, Sir, the position is that India is getting a first-class air service already working, and I think working satisfactorily, though the Indian climate has been very far from kind to it in the last few weeks ; it is getting that service for a capital expenditure of Rs. 2,40,000 on which, as my Honourable colleague the Finance Member said just now, we hope to get a dividend in due course. In addition to that Rs. 2,40,000, there are the concessions that he mentioned in the way of remission of customs and excise duties and exemption from certain charges for landing, housing, wireless and meteorological facilities which are estimated to cost about Rs. 1,40,000 per annum. As Sir George Schuster said, we should not be getting the money in any case if the service were not there, but there is a further reason why this concession is far more apparent than real. In fact, it is set off by a very substantial benefit. As a result of granting these concessions in the form of a subsidy to the Indian Trans-Continental Airways, India is regarded by the authorities in England as contributing to the England-India-Australia service and is, therefore, permitted to settle the charges for the conveyance of Indian air mails on the main service in sterling. It has hitherto had to settle these charges in gold. The financial effect of this change in the basis of settlement depends of course on the gold value of the rupee. The payments on the gold basis have in the past involved additional payments amounting to more than 1½ lakhs of rupees per annum over what we should have had to pay if the payments had been made in sterling. The House will observe that the figure of Rs. 1½ lakhs per annum, that we have saved as a result of this change, is considerably more than the estimated value of the concessions with regard to customs and excise duties and the provision of other facilities. As a result of the elimination of this extra payment, we have been able to reduce the rate of surcharge on air mail correspondence from India.

Now, Sir, so far as I am aware, there have been only two criticisms which have been brought against this arrangement. One is the fact that 51 per cent. of

4 P.M.

the capital in the Indian Trans-Continental Airways is held by Imperial Airways and only 49 per cent. by the Government of India and Indian National Airways together. It has been contended that it should have been the other way round. The answer to this contention is that the holding of 51 per cent. by Imperial Airways was a fundamental condition of the whole arrangement, specially of the grant of the subsidy, and, if it had not been accepted, it would not have been possible to start the service. I would remind the House that Indian interests should be sufficiently safeguarded in this matter by the fact that the majority of the Directors of Indian Trans-Continental Airways are Indian gentlemen of high standing who are perfectly competent to look after Indian interests. Let me mention their names once again. I mentioned them in reply to my Honourable friend, Mr. Gaya Prasad Singh, the other day, but it is possible the House may have forgotten them. They are Lala Ramsaran Das, Chaudhri Zafarullah Khan, Lala Badridas Goenka and Sir Hormusji Mehta.

The second criticism is that Indian capital ought to be given an opportunity of investing in this industry. So far as I am aware, Sir, with the exception of the inauguration of the very successful Tata service from Karachi to Madras, there has been no indication of any special readiness on the part of Indian capitalists to come forward and invest in civil aviation enterprises. It was not until the arrangements we

[Sir Frank Noyce.]

are discussing today had been concluded that such readiness became apparent. Indian National Airways has attracted capital from widespread Indian sources. It is now actively in consultation with Government in the organisation of feeder air services and other air services to serve internal needs. Plans are being worked out for the establishment of three services ; one from Karachi to Lahore for mails, another from Calcutta to Rangoon to supplement the weekly service, and the third from Calcutta to Dacca. It is hoped that these will be established in the early future and I understand that Indian National Airways propose to invite applications from the public for, at any rate, part of the capital required. It will thus be clear to the House that so far from limiting the opportunities for investment of Indian capital in Indian civil aviation, the present arrangement has already done much to stimulate them.

There is one other point with regard to which I should like to remind the House before I conclude. It is a very important point and that is that these arrangements are subject to the provision that, in 1939, the Government of the day will be at perfect liberty to reconsider the whole position.

I trust, Sir, that I have given the House all the information necessary to enable it to judge of the merits of this proposition. I have dealt with the matter almost entirely from the business aspect, that is, from the point of view of the benefits which India will receive. But there are I think other considerations of a more intangible nature on which other speakers, more eloquent than I am, may care to enlarge. It is no small matter that India should now be in a position to play a worthy part in an Imperial enterprise of the first magnitude.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I believe my Honourable friend, Mr. Gaya Prasad Singh, will contribute very much to this debate as he has been making a special study of this problem. All that I wanted to say was this that we are very grateful to Government for having taken the step that they have taken in the promotion of civil aviation. We want them to go further and if any support for monetary contribution by Government is necessary from this side of the House, I am perfectly certain that such support will not be lacking. We want our country to be as forward in the matter of civil aviation as any other country in the world and as the Honourable the previous speaker has pointed out, the Leader of the House while in England took every opportunity that came in his way to push forward the scheme the beginnings of which we are seeing in this demand for supplementary grant. No country in the world, at any rate few countries in the world, present the same facilities for civil aviation as India does. In a land of long distances the promotion of inter-provincial aviation is very necessary, so that our President may sometimes be able to fly to Coimbatore for a week end dinner and come back to reside here in good time. And the Leader of the European Group Sir Leslie Hudson who has heavy work in Bombay will not constantly complain of delaying tactics on this side of the House as he can descend down to Bombay and come back to take part in the proceedings of this House. Sir, we want that the distance between the north and south of India should shrink as the distance between India and Great Britain has shrunk ; and I hope and

trust that the 10 lakhs of rupees of which the Honourable Sir Frank Noyce spoke will be multiplied many times so that India will be behind no country in the world in the matter of civil aviation. (Applause.)

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, I welcome the inauguration of the Indian Trans-Continental Airways operating from Karachi to Calcutta, and, further on, to Singapore, in the near future; and I am obliged to the Honourable Member in charge for the very full information which he has given on this subject to the House. The General Purposes Retrenchment Committee has done very valuable work in the matter of finding out avenues for retrenchment in the public expenditure of India; but there were two recommendations of that Committee with which I never agreed, and I gave expression to my views on the floor of the House on a former occasion—one was their proposal to stop the State Broadcasting Service in India—that proposal was after all not given effect to, and we are having the broadcasting system in this country which, I hope, in course of time will flourish and will produce a very wholesome effect, which the system is intended to produce. The other recommendation with which I disagreed was the proposed curtailment in civil aviation in this country.

As my Honourable friend, Mr. Ranga Iyer, has pointed out, India is a country which is peculiarly appropriate for the purpose of civil aviation. It is a country of long distances where it is very difficult to travel from one place to another for busy men except by means of the aeroplane, which I hope will become a common feature in the daily life of this country in course of time. I find from the paper which has been circulated to us that the authorised capital of the Company agreed to by the Government of India is Rs. 10 lakhs of which Rs. four lakhs has been called up, and Rs. three lakhs will be called up on the extension of the air service beyond Calcutta about the 1st October, 1933. I do not know whether this authorised capital of Rs. 10 lakhs is quite sufficient for the purposes which we have in view, and, as suggested by my Honourable friend on my right, if necessary the share of Government in this Company should be increased in the near future if required; and we in this part of the House will not grudge any legitimate expenditure which may be incurred in connection with the development of civil aviation in this country. There is only one point to which I should like to draw attention and that is with regard to the employment of Indian personnel. That is a point which has been kept in view by the Government and my Honourable friend, Sir Frank Noyce, has also just now repeated the promise of the Government that the subject of the employment of Indians as officers will be steadily kept in view. There are many other Departments of Government in which Indians have been kept behind, and the excuse which has been pleaded is that we have not got the necessary training or experience to take charge of those Departments. Here, fortunately for us, civil aviation is a branch of national activity which is still in its infancy, and it is quite up to the Government to train Indians so that they may be able to occupy almost all positions as officers from the very beginning of this service. I must here also put on record my appreciation of the way in which the Delhi Flying Club has been carrying on the work of conveying mails between Karachi and Delhi during the period, they have been in charge of that branch of the



[Mr. Gaya Prasad Singh.]

work. During this period they have been doing their work with the utmost efficiency and with remarkable regularity of service.

There is one point on which I should like to have some information from the Honourable Member. I remember, while in the Standing Finance Committee, we were told that there were four aeroplanes which had been purchased by the Government of India before there was any talk of curtailment in the scope of civil aviation. There were four aeroplanes of the "Avro Ten" type—I remember one was presented to His Excellency the Viceroy.....

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : There were five in all.

**Mr. Gaya Prasad Singh** : Two were sold off at a considerable loss : I should like to know what has become of the others.....

**The Honourable Sir Frank Noyce** : I cannot tell the Honourable Member off-hand. I am not quite sure how many there were altogether : my Honourable friend, Sir Joseph Bhole, knows the facts better than I do. But if there were four, one was transferred to His Excellency the Viceroy, and the other three were sold : the total loss, as I mentioned in my speech, was about £13,000.

**Mr. Gaya Prasad Singh** : So, as I was saying, with regard to the development of civil aviation, the scheme which has been presented to this House is a satisfactory one, and I think the House should accept the proposal before us. I should also express our sense of appreciation that we have got a majority of Indian Directors on the Company, and also that the Company has been floated with rupee capital. With these few words, I heartily support the motion. (Cheers.)

**Dr. Ziauddin Ahmad** : Sir, this question was carefully examined by the Standing Finance Committee. I myself went into all the details and I was very unhappy about the distribution of shares 49 and 51 : I very much wanted that our share should have been 51 or at least half and half. but, considering the enormous advantages that we get otherwise in the number of Indian Directors as also in the promises about the training of Indians and in the saving of expenditure that we were incurring, I thought that it was the best possible arrangement that could be made, and I could not think of anything better. But there were two things which really troubled our minds, and I do not mind mentioning them on the floor of the House. One was that I thought the Finance Committee could not take the responsibility of giving their final consent to it and this for two reasons : in the first place this is a question of new policy and I thought the Assembly should have a chance of expressing its opinion : the second reason was that the opinion of the Retrenchment Committee was very definite about it, and I thought that the only body which could go against that opinion was this House and not the Standing Finance Committee. For these two reasons I myself insisted that the Assembly should have an opportunity to discuss this matter before the amount was actually paid and not merely as a *post mortem* examination. I am very glad that the Finance Member gave an opportunity to this House to express an opinion. The second thing about which I was very unhappy was, what would happen in the year 1939, that is, when

the contract ceases ? I insisted in the Committee and I insist now that the Assembly and the Finance Committee, whatever it may be then, should have a full opportunity to express their opinion, and no transaction should be made behind their backs, and there should be no extension of time without the explicit permission of the Assembly that may be in existence at the time. I know very well that most of the money would be spent on the ground, etc., which nobody can take away from India. That will all be permanent in this country, but the only things which can be taken away are the aeroplanes which, being in a dilapidated condition, may not fetch a good price. Therefore, the major portion of the value of those things will remain in our possession. We will be in a very fortunate position to dictate our own terms, but I do insist that in 1939, when we come to consider the whole position, the then Assembly should be given an opportunity to express an opinion before any final action is taken by the Government. With these few words, Sir, I support the motion.

**Mr. N. R. Gunjal** (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member spoke in the vernacular.)

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, I have only got one or two observations to make. The Honourable the Finance Member has just now said that this arrangement of the remission of the customs duties would not cause any loss to this country, but I could not exactly follow his line of argument. Would he be prepared, I ask, to extend the same concession to any other enterprise which is positively beneficial to this country if such an enterprise is set up in India ? Would he go the length of remitting the customs duties which that enterprise would have to pay but for the express remission in the shape of a subsidy ? As a matter of fact, when I endorsed my approval to the demand as a member of the Standing Finance Committee, I really thought that I was right in taking that step well knowing that we were going to be a party to something like ninety thousand to a lakh of rupees being forgone in the next five or six years, and I thought that, after six years, some other arrangement would be come to which would go a great way in reducing this remission of customs duty.

Then, Sir, the next point to which I would invite the attention of the Honourable the Finance Member is that, although the Government of India are contributing 24 per cent. towards the capital of the Indian Trans-Continental Airways, and although the right has been given to the Indian National Airways to nominate two members on the Board of Directors, how is it that the Government of India have nominated only one member to represent the Government of India on the Board ? That is my objection so far as the composition of the Board is concerned. There are four members nominated on the Board of Directors by the Imperial Airways, two by the Indian National Airways, and only one by the Government of India, although the difference in the matter of contribution of shares is only one per cent. between the Government of India and the Indian National Airways. The Indian National Airways contribute 25 per cent. and the Government of India contribute 24 per cent., but is that any reason, Sir, that the difference of one per cent. should bring about such a large difference in the right of the Govern-

[Mr. Muhammad Muazzam Sahib Bahadur.]

ment of India that it can nominate only one member and not two members on the Board of Directors? These are the only two points that struck me.

Then, as regards the point raised by my friend, Mr. Gaya Prasad Singh, I should like to draw his attention to paragraph 3 of the communiqué where it expressly states that the Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available.....

**Mr. Gaya Prasad Singh :** I have already said so in my speech.

**Mr. Muhammad Muazzam Sahib Bahadur :** But I thought my friend had some doubts as regards the Indianization of the personnel.

There is one other matter, Sir, to which I should like to invite the attention of the House, and that is about the procedure. Sir, I have found in some cases, and, particularly, in the present case, the procedure adopted by some of the Departments of the Government of India in placing their proposals before the Standing Finance Committee embodied in the shape of demands is not what one would in fairness desire. As a matter of fact, in the present case, negotiations have been going on between the Government of India and the Imperial Airways for a very long time, and decisions were reached a few months ago. Sir, we knew nothing about the negotiations, and we knew nothing about the decision, and then the Government of India, to implement the decision which they had arrived at, made an actual payment without our knowledge of about a lakh of rupees, or probably more. Even at that stage we were not informed of what had taken place. Then an agreement was reached between the Government of India and the Indian Trans-Continental Airways that the Government of India should grant a subsidy to the concern in the shape of a remission of customs duties on petrol, on aeroplanes and spares. We knew nothing about this agreement either. As a matter of fact, the remission was given and the subsidy was granted on their own responsibility. Then the first time we were apprised of the steps that had been taken was when there was a call on the Government of India after the allotment of shares was made. I believe even that call has been paid, and, now, when the second call has to be paid, they come to us. I think that in matters which involve payments of this type, the proper procedure would be that the proposals should be placed before the Standing Finance Committee in the initial stages and the Government of India should not delay doing so for such a long time until the whole thing had almost developed fully. I think if the Standing Finance Committee is to carry out its functions as indicated at the time it was first set up, the Finance Member will kindly see to it that the procedure which they have adopted in the present case is once for all given up.

**The Honourable Sir George Schuster :** Sir, I only wish to deal with two or three points which the last speaker has raised; otherwise this has been a satisfactory debate, a debate of almost complete agreement. My Honourable friend raised three points. First of all, as regards the exemption from customs duties, I do not want my Honourable

friend to draw any implications from what I said. All that I said was, in order to explain the financial significance of this particular proposal to the House, that as far as the so-called subsidy was concerned it did not represent a real outgoing in cash, it merely represented a foregoing of receipts which we would not otherwise have had. But I would remind my Honourable friend that the point made by Sir Frank Noyce was that by giving this nominal subsidy the Government of India do secure a much better arrangement as regards charges paid for the carrying of mails, an arrangement which on the present gold value of the rupee actually means a saving,—a real saving—to us of about Rs. 1½ lakhs a year, so that we get something very substantial in return.

Then, my Honourable friend raised the point as to why there was only one Government Director. We do not feel that the actual number of Directors matters very much. We have one Government Director who can represent the Government point of view and who can keep us informed of what is going on. The point which impressed us most was that the majority of the Directors from whatever side they came were to be Indians. I would also remind the House that in addition to the Government Director we have made arrangements according to which the Director of Civil Aviation will be entitled to attend the meetings of the Board. Therefore, I think the House may rest assured that the Government will be well represented in all discussions.

Lastly, my Honourable friend voiced a complaint as to the delay in putting this proposal before the Standing Finance Committee. As regards that, strictly interpreting our duties and our position my Honourable friend is perfectly right, and I should be the last person to desire to defend any delay in placing matters before the Standing Finance Committee. My Honourable friend will realise why I should be the last person to do that because we so frequently, acting as a Committee, have to whip up the departments of the Government of India into putting forward their proposals in good time. But one has to take into account the practical situation, the practical difficulties. This arrangement, I think I am correct in saying, was not actually reduced to a form in which we could put it before the Standing Finance Committee until after the Standing Finance Committee concluded its sittings during the Delhi Session. It came up between the two Sessions, and we did really take the first possible opportunity after this proposal had been worked out for putting it before the Standing Finance Committee. But I quite agree that some sort of preliminary notice might have been given to the Standing Finance Committee in the course of the Delhi Session. I am sure that my Honourable colleague, Sir Frank Noyce, will agree and take note of the point as regards future proposals of this kind. We are only too anxious to give the Standing Finance Committee an opportunity to consider all proposals of this kind before actual decisions are taken.

The only other point to which I may refer is that my Honourable friend, Dr. Ziauddin Ahmad, told us that he insisted on certain things being done in 1939. There, again, speaking on behalf of my colleague in the Industries and Labour Department, I feel sure he will agree to leave a note on record which will be brought to the attention of the

[Sir George Schuster.]

Prime Minister of India in 1939 (Laughter), and I have little doubt that, if he is not my Honourable friend himself, the Prime Minister will give due weight to those considerations on which my Honourable friend has insisted. (Laughter.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That a supplementary sum not exceeding Rs. 2,63,200 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1934, in respect of ‘ Civil Aviation ’.”

The motion was adopted.

## REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That the Report of the Public Accounts Committee on the Accounts of 1930-31, Parts I and II, be taken into consideration and that the Assembly do approve the expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations, in that year.”

In the ordinary course this motion would have simply consisted of the first one and a half lines, but for particular reasons it has been necessary to add the second part of the motion. If any Honourable Member is interested in the technical reasons for doing this he will find them explained in paragraphs 30, 31 and 32 of Volume I of the Public Accounts Committee's Report on the Accounts of 1930-31, and in paragraph 29 of Part II of that Report. It is a quite simple point. According to the rules of procedure that exist at present there is some difficulty in dealing with an excess grant where that relates to what is technically a new service. The formula which we have adopted was settled after consultation with you, Sir, and I trust that Honourable Members will be satisfied with the procedure which we are adopting. Otherwise I have nothing to say on this motion except to express an apology that it has come before the House so late. But Honourable Members who have sat through the number of days occupied in legislative business during the last two Sessions will realise how little time there has been and how much urgent business there has been, which has meant a delay in bringing forward this matter. This particular Resolution for the consideration of the Public Accounts Committee was one in which the House took very considerable interest before we adopted this procedure but I regret to say that since we adopted it, the Resolution has become what I might describe as the Cinderella of Government business, which has always been crowded out by her ugly sisters. If any Honourable Member has any point to raise on the Report of the Public Accounts Committee, I should be very pleased to deal with those points in reply.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Report of the Public Accounts Committee on the Accounts of 1930-31, Parts I and II, be taken into consideration and that the Assembly do approve the

expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations, in that year."

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : May I suggest that the consideration of this be postponed till the November Session. My reason is, if the Honourable the Leader of the House agrees that the report on the Reserve Bank Bill will be laid before the House on the 13th November, discussion cannot take place before the 20th. We will, therefore, have a week, and some time may be found for discussing this report. I, therefore, suggest that the discussion on this report may be postponed till the November Session.

**The Honourable Sir George Schuster** : We on the Government side would have been very glad to take account of the suggestion of my Honourable friend, but it is more than probable that there will be other business of an urgent nature to occupy the House during those few days which will be available at the beginning of the special Session. We also think, and, I believe, you, Sir, will support me in this, that it is desirable that in the first week the sittings of this House should be limited in order that Honourable Members may have time to study the report of the Select Committee on the Reserve Bank Bill. I would also remind my Honourable friend that this particular motion has been already delayed and, before we know where we are, we shall be faced with the necessity of considering the report of the Public Accounts Committee on the Accounts for 1931-32. I would suggest to my Honourable friend that we take advantage of such time as is available now and that we dispose of this very much delayed Resolution once for all.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : We are now discussing the accounts of the year 1930-31 and most of the Honourable Members must have forgotten what was said in the report presented some time ago, but in the proceedings of the year we are now discussing, there was a very important departure from the proceedings of the previous years. In that year, for the first time, three non-official Members were elected to serve on the Military Accounts Committee to examine them in detail, and I understand that in the beginning the military authorities were a little bit suspicious of the arrangement, but I hope they found afterwards that the Members of the Assembly were not such villains as they are painted to be. We, on our part, were impressed with the straightforwardness with which the military witnesses gave evidence before us and the readiness with which they acknowledged their mistakes and agreed to rectify them. Speaking from the point of view of accuracy of accounts and control of expenditure, I think we can say that the military accounts are on a par with the civil accounts.

There is, however, one item of expenditure in the accounts of the year under review in which the House might feel interested. I am referring to the expenditure on the Indian Territorial Force. In that year, the Finance Department sanctioned 15 lakhs of rupees for the expansion of the Indian Territorial Force. The Army Department could not find it possible to spend the full amount and they surrendered

[Mr. Abdul Matin Chaudhury.]

five lakhs to the Finance Department. This raises a very important issue, namely, the attitude of the Army authorities with regard to the expansion of the Indian Territorial Force. It was started with a very ambitious object—of giving opportunities for military training to what are known as the non-martial races. It was said that they would form the nucleus of the citizen army of India, so that a self-governing India may be in a position to undertake the responsibility for defence, but this original objective seems to have receded into the background and the army authorities are now giving it step-motherly treatment. Instead of spending the money on the expansion of the Territorial Forces, they have surrendered the money to the Finance Department, while there is a growing demand in India for the expansion of the Territorial Force. While attending a meeting of the Aligarh University Convocation, the Vice-Chancellor Mr. Ramsbotham, I heard complain that they could not raise the Aligarh detachment of the University Training Corps to a Company on account of lack of funds, though there was plenty of keenness and plenty of material available. If the Indian Territorial Force has not been as popular as was anticipated, and if there are difficulties in the way, the military authorities should look into the matter and try to remove those defects.

I now come to the question of the Posts and Telegraphs Department. In regard to the recommendations made by the Committee over which my friend, Sir Cowasji Jehangir, presided, the Government decision was communicated to us this year and we found that the Government only accepted some minor and subsidiary recommendations and the most important recommendation about the constitution of the Capital Account and the Depreciation Fund was rejected by the Government of India. Honourable Members might remember that, in the year 1924-25, the accounts of the Postal Department were commercialised. It was decided that the capital at charge of the department should represent the depreciated value of the assets and that the depreciation fund should be started with nil balance, and arrears of depreciation should be met from capital advances. Sir Cowasji Jehangir's Committee recommended that they should start a Depreciation Fund with 875 lakhs as balance, that being the amount of accrued depreciation in 1925. They also recommended that capital at charge should represent the original value and not the depreciated value of the assets. If this recommendation had been accepted, the result would have been that the Postal Department would be paying interests at 3.3 per cent. up to the year 1917 and at the current rate for the other years for their capital borrowing, and would have earned interest at the current rate for their Depreciation Fund balances.

Now, Sir, the difference between the interest they would have paid and the interest that they would have earned would have been a gain to this Department. Government rejected it on the ground that its position is anomalous, but I have not been able to understand where the anomaly lies. However, the Government have made their decision and it is no use discussing it any further. I only bring this to the notice of the House as the prospect of the Postal Department balancing its budget seems to be as distant as ever.

I want to say a few words about the Railway Department also. The Honourable the Commerce Member said in his budget speech that he was going to appoint a Committee to inquire about the rate of contribution to the Depreciation Fund and the question of assumed life of the existing assets. We of the Public Accounts Committee have been agitating on this point for a long time. We now find that adversity has forced upon the Railway authorities the wisdom of accepting our recommendation which, in their spendthrift days, they used to ignore. There is one aspect of Railway finance to which I wish to draw the attention of the Honourable the Commerce Member. There is a tendency on the part of the Agents of some of the Railways to throw more of the expenditure on the capital than on revenue. Under the rule of allocation, capital bears the cost of new work, additional rolling stock, etc., while ordinary renewals and replacements are met from revenue. The Railway Agents take advantage of the interpretation of this rule to throw on capital what should be met from revenue. This is what the Auditor General remarked in this connection :

“ There is a justification for believing that the present rules lead to considerable inflation of the Capital Account and if the financial position of the Railways are not to be prejudiced it is necessary to ascertain the truth in connection with this matter and to take necessary measures for the future.”

I should like to give a few instances to show how capital expenditure has been increased out of all proportion to gross earnings. Take the Great Indian Peninsula Railway. In the year 1918-19, the total capital outlay was 67 crores. Ten years later, that is, in the year 1928-29, it was 116 crores. The capital outlay was increased by 71 per cent. whereas the gross earnings were increased only by about 30 per cent. Again, take the Bombay, Baroda and Central India Railway. In the year 1918-19, the total capital outlay was 25 crores and, in the year 1928-29, it was 50 crores. The capital outlay was increased by 100 per cent. while the gross earnings were increased by about 28 per cent. only. Now, let us contrast this with the Nizam's Guaranteed Railway. During these 10 years, the capital outlay increased by 12 per cent. and the gross earnings by 44 per cent. This, I think, corroborates the remark of the Auditor General that there has not been a disproportionate growth of the capital outlay which is not reflected in increased earning capacity and this is a matter which requires careful consideration.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, at this time of the day and at the far end of the Session, I do not like to take much time, yet, I think, it is my duty to draw the attention of the House to some of the remarks made by the Public Accounts Committee. I shall be glad to hear from Government what they have to say on these matters. It is admitted that the accounts in other departments have much improved during the course of these years. But, in the report on page 3, the Committee had made it clear that they could not speak so highly of the Postal Department. This is what they have said :

“ Our view in regard to the Posts and Telegraphs Department is not, however, so favourable as the detailed appropriation accounts indicate that there is still great room for improvement in the methods and practice of financial control. We are informed by the Director General of Posts and Telegraphs that steps have already been taken to remove the defects in the existing procedure of financial control. The Accountant General, Posts and Telegraphs, has undertaken, at our instance, to bring to notice in his subsequent reports whether the steps now taken have led to the improvements hoped for.”



[Mr. S. C. Mitra.]

Since then, Sir, we had the occasion to pass through another appropriation report of this Committee and unfortunately we find therein that the position is not far better. Even as early as 1923, the Incheape Committee said that the system of accounts in the Postal Department was far from satisfactory and they recommended that there should be a special financial adviser attached to this Department. So far as I remember, the present Director General, Sir Thomas Ryan, was the first Financial Adviser. But when he appeared before the Public Accounts Committee this year, he said that during the period he acted as the Financial Adviser he had to do more secretariat work and very little financial work. And the present incumbent of the post, Mr. Varma, who is also a very competent officer, had to complain before the Committee that he had no staff. Perhaps he had only his *chaprasi* and none else to help him. The House will desire to know from the Department what steps they have taken since this report to see that the system of accounts in the Postal Department may improve in the future.

Then I pass on to another question that deals with the large stock of quinine in the Department of Education, Health and Lauds. This matter also had been coming before the Committee for consideration from year to year since 1926 when we dealt with a large stock of quinine valued at more than 50 lakhs of rupees. The Public Accounts Committee repeatedly drew the attention of the Government to the fact that, even in the shape of interest, we were losing between two to three lakhs of rupees every year. The Committee said that as public health was a provincial transferred subject, Government should take steps to see how to dispose of this very big stock of quinine. So far as we know, the Central Government approached the Local Governments as late as 12th March, 1932. Although it is now a year and half, we do not still know whether they have been able to dispose of the large stock of quinine or not. In the current year's report also, the Public Accounts Committee drew particular attention to this fact and the Department as usual said that they were taking the necessary steps and might be able to dispose of this large stock in the near future. I should like to know from the Government as to what is the exact position with regard to this large surplus stock of quinine valued at more than 50 lakhs. Another question that was particularly noted, was with regard to the stores balance. I quote from page 9 of the report which says :

"We observe from the appendix for the year 1930-31 that the balances of stocks of stores held by the various commercial concerns on the 31st March, 1931, were still unduly high. We were assured by the departmental witnesses that the stores balances were being closely watched and reduced wherever possible. For example in the mathematical instrument office, Calcutta, home indents have been entirely suspended and manufacture is being reduced by short time employment of workmen. The maintenance of excessive stocks involves the taxpayer in a two-fold loss : There is the loss of interest on capital unnecessarily locked up and there is the further loss arising from the danger of the stores becoming obsolete and having to be disposed of at a sacrifice later."

I should like to hear from Government what steps they have taken as regards these large stores balance and how far the condition has improved by this time.

Further on, at page 11, the Committee again deals with the Department of Posts and Telegraphs. It was found that the Department was working at a deficit and the Director General suggested that in the near

future there was a chance for this Department balancing its assets and liabilities. I should like to quote from the report. It says :

“ But we obtained from the Director General, Posts and Telegraphs, a memorandum giving an up-to-date survey of the general position and prospects of the department. The commercial loss which amounted to Rs. 91 lakhs in 1930-31 is expected to come down to about Rs. 52 lakhs in the current year and the Director General is convinced that with the return to reasonably normal conditions the Department would very soon be working again at a profit. The latest information now available is, as observed by the Auditor General, not such as to justify optimism or to warrant relaxation of effort on the part of Government. We do not agree with the Accountant General that the year 1930-31 might be taken as closing an important chapter in the history of the department and we cannot agree to be satisfied except by the test of actual results.”

The actual results proved that our anticipations were correct and not the anticipations of the Director General. It is really a deficit budget and perhaps it will continue for a long time to be a deficit budget, I mean the postal budget. We should like to hear from the Honourable Member in charge how he thinks he would realise his expectations that the postal budget will be a balanced budget. I do not want to weary the House any further, but my Honourable friend, Dr. Ziauddin Ahmad, will speak on the railway budget.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor :

5 P.M.

Non-Muhammadan Rural) : Sir, at this stage, I should like to raise a point of order whether this Resolution is in order or not, because, in one and the same Resolution, two things are combined and put up for the consideration of this House. The first part of the Resolution is with regard to the consideration of the report of the Public Accounts Committee of 1930-31, and the second part is a demand for grant for a certain expenditure. Sir, it looks to me that it is something like what we call in law, “ misjoinder of causes of action ”. That is how it appears to me. The object of any motion, as I understand it, is to concentrate the attention of the House or to concentrate the attention of the Member to a certain particular question involved in it. But, in this Resolution, there are two separate and independent things that are being coupled in one and the same Resolution. So, I should like to draw the attention of the Chair so that we may have a ruling on the matter. In this Resolution, with regard to the first part, we may accept the report of the Public Accounts Committee, but with regard to the second part, we may reject the grant. We can't accept one part of the Resolution and reject the other part. My difficulty is that two distinct matters are involved in one and the same Resolution and so I want a ruling from the Chair whether this is correct.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair quite realises the difficulty with which the Honourable Members might be faced at the time when the question is put. But they should realise that when the motion is put to the vote, it is open to the Chair to split up the motion into two or three parts and put each part separately so that Honourable Members will have the opportunity of voting on each part separately. But, in this particular case, the Chair might explain to the Honourable Members that the usual parliamentary practice, when a motion to take into consideration the Public Accounts Committee report is made, is that no question is put after discussion. The motion, that the report of the Public Accounts Committee be taken into consideration, is simply made with a view to giving an opportunity to the

[Mr. President.]

House to have a full and thorough discussion on the points arising within the report of the Public Accounts Committee and no question is put. Following that practice, what the Chair proposes to do is this. The question relating to excess grant has been coupled with the first part, because it arises out of the report with which the first part deals. So no question will be put relating to the first part. The only question that will be put will be that the Assembly do approve the excess expenditure.

**Dr. Ziauddin Ahmad :** Sir, I just have in my hand a copy of part II of Volume I of the report and I find that it deals with the entire administration of Indian railways and, therefore, a review of the entire administration from "A" to "Z" will be within the purview of this Resolution.

Sir, the first question which I will take up here is the capitalised value of the Indian railways. I remember a story. Once a person asked the value of the shoe which he was wearing and at what price he could sell it. The latter said that he would calculate. He said : " I paid 10 shillings for it when I purchased it and I had to resole it ten times and paid half a crown each time. Therefore, it cost me 35 shillings. Now, I am quite willing to sell it at half the price, that is, 17 shillings ". This is just the point with regard to capitalisation of our Indian Railways. We have been spending money from time to time and this is all added to the Capital at charge. This is rather an important point and I hope, before the new Railway authority comes into existence—I hope it will come into existence in the near future,—the assets of the Indian railways will be revalued. The whole thing should be revalued by some expert committee so that the railways in future will not be saddled with the interest charges with which they are saddled at the present moment. We are in a very unsatisfactory position just now as regards the Indian Railways. Now, I will just give a simple question of arithmetic and I hope my Honourable friend, the Leader of the House, will be able to give me an answer. My question is this that there is a business, called the Indian Railway Administration. The income of this business is about 87 crores. Out of these 87 crores.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. If there is a general desire to continue this discussion, the Chair would have no objection to direct that the House should sit to-morrow till Lunch time. But if it is desired that we should sit late today and finish it off, the Chair would be agreeable to that course also. (*Some Honourable Members :* " Tomorrow morning will be better ".) If at all it is the desire to continue the discussion, the Chair will direct that tomorrow we shall sit only for half the day and finish it by Lunch time.

**Dr. Ziauddin Ahmad :** I will finish before Lunch time. (Laughter.)

**The Honourable Sir George Schuster :** Sir, on a point of order. Is my Honourable friend in order in reviewing the Railway administration from "A" to "Z", as he himself described it, in the course of this discussion, or should he properly limit himself to points which are

actually raised in the report of the Public Accounts Committee which is before this Assembly ?

**Dr. Ziauddin Ahmad** : I will confine myself strictly to the points raised here and this was one of the points raised in this report. If I review the entire system, I cannot finish even in a week, but I will take about three hours only by confining myself to the points raised in the report.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : On the whole, it will perhaps be better if the Chair directs that tomorrow the House will sit till Lunch time, and the Chair directs accordingly.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 21st September, 1933.



## LEGISLATIVE ASSEMBLY.

*Thursday, 21st September, 1933.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 20th September, 1933, agreed, without any amendments, to the Bill to amend the Dangerous Drugs Act, 1930, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1933.”

### DEATH OF MRS. ANNIE BESANT.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Mr. President, the House, I am sure, will hear with the deepest regret of the death of Mrs. Annie Besant, and it is the general desire of the House that we should express our condolence with the Theosophical Society and with her relations.

I think that there is no one in India who has not heard or who has not known of the work of Mrs. Annie Besant. It might truly be said that she was the greatest woman of her generation, not only the greatest Englishwoman, but I make bold to say, the greatest woman in the world of her generation. She was perhaps one of the greatest orators of her time, and I well remember in the days of my youth hearing Annie Besant speak, with awe and admiration, although perhaps when we got home and reflected on all she had said we might not be able to agree with all her theories and all her principles : but that she excelled all men and women as an orator there can be no doubt. I have heard it said in England by Englishmen that Annie Besant excelled all men in oratory, including the great Gladstone. Her knowledge of India and her love for this country was of a character we have never seen in any one person before. We may not be able to agree with all her views, but we cannot doubt her honesty of purpose, her love for this country and its peoples, and we cannot but acknowledge today the deep debt of gratitude that India owes her—an Englishwoman coming to this country from her home six thousand miles away, devoting all her time, her energy and her wealth for the well being of a people, millions of them, who were no connection or relations of hers, but merely for the love of humanity. I am not going to enlarge on Mrs. Annie Besant's political life. But there can be no doubt that she was the first in India to rouse the masses as to their responsibilities to their own country, social and political. I have had the pleasure of meeting her, but there

( 1917 )

[Sir Cowasji Jehangir.]

must be other Honourable Members in this House who have known her better. Of course she chose Madras as her home, and those from Madras will naturally speak with much greater authority on the life and work of Mrs. Annie Besant. Mr. President, I believe it is the general desire of the House that you should convey to the Theosophical Society and to her relations our deep condolences and our firm conviction that India has lost in her one of India's greatest friends from abroad.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, the Honourable the Leader of the Opposition has expressed the feelings of this side of the House and the House as a whole and the country outside when he said that in the passing of Mrs. Besant a great friend of India and of humanity has passed away. Mrs. Besant illustrated in her great life, greatly lived, that life is a great calling, not a mean and grovelling thing to be shuffled through as we can. When she broke away from Christianity after seeing the sufferings of her child before its death, when she wondered why God should have inflicted on that innocent thing so much suffering, and took to atheism for a while or agnosticism, she was really embarking upon a severe quest after the truth. Great were the days when she fought the battle of freedom in England with Charles Bradlaugh—days which made the late Mr. Stead truly say that she was the greatest platform speaker of the English speaking world. And then, when she came into contact with Hinduism and studied Hindu philosophy and realised that there was such a thing as transmigration of the soul and that the sins of past life were visited by way of suffering in this life on young and old alike, she plunged into the study of that religion and became its great master and interpreter ; it is from Hinduism that she learnt the great truth of theosophy, for she felt that Hinduism was the mother of religions and that various religions were like various rivers which took their start from various mountains flowing, crooked or straight, going and mingling their waters in the common sea, the *sagara*, the realisation of God himself. Mrs. Besant thought she owed a great debt to her own country when she started the Home Rule for India movement. Before her there have been independence movements in this country, climaxing in violence of an ugly kind. She thought the greatest message that an Englishman or Englishwoman could give to this country was to make the Indian people love India as an Englishman would love England ; and she founded, to educate the youth of this land on right lines, the Central Hindu College, Benares, on which rose the great Hindu University. So long as Hinduism lives, the name of Mrs. Besant will live, and even though she has passed away, she can never pass away, for she has joined

“.....the Chair invisible

Of those immortal dead who live again

In minds made better by their presence.”

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : Sir, on behalf of my Party and on behalf of myself, I heartily associate myself with the sentiments so eloquently expressed by the Leaders of the Independent and Nationalist Parties regarding the passing away of Dr. Besant. Sir, we Indians owe

a deep debt of gratitude to Dr. Besant. It was she who started the Home Rule movement for the attainment of self-Government for India and it is a pity that she did not see the fruition of her labours. She helped not only the political movement, but also the educational movement by starting the Central Hindu College at Benares and, subsequently, she transferred her activities to the Madras Presidency and made Adyar as the headquarters for her work. After she became President of the Theosophical Society, she made the society a world-wide movement and established branches all over the world. Sir, Madras Presidency is more grateful to her than other provinces, because she started what is called the Y. M. I. A. Association where young Indians find a place for living and for carrying on other social activities. Coming nearer home, I am deeply grateful to her for having started educational institutions in my own place, Madanapalle, where she started an Arts College and Jijnasa Lodge, and she is also responsible for starting what is called the Rishi Valley Educational Trust and made Madanapalle the Santi Niketan of Southern India in the words of the great Poet Tagore. Sir, I associate myself with all the sentiments that have fallen from the previous speakers.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Central Party, I entirely associate myself with the sentiments expressed by the previous speakers. Sir, among the many English names which have endeared themselves to Indians the name of Annie Besant will be always in the forefront. So far as I know, she acknowledged no ties of blood or race. India was her mother and Indians were her brothers and sisters. Mr. President, I think, therefore, it would be in the fitness of things if our condolence and sympathy were broadcasted throughout the whole country which is now mourning her loss.

**Sir Leslie Hudson** (Bombay : European) : Mr. President, in the passing away of Dr. Annie Besant, a remarkable personality has been lost to India. She identified herself in her later years with the Home Rule movement in India and she gave that movement life and purpose in politics, in religion and in philosophy. She has made her influence felt throughout the world, and more particularly throughout India, and there are many, apart from those who have listened to her silver tongued oratory, who will mourn her loss. I wish to associate my Group, Sir, with the tributes paid to her memory by previous speakers.

**Nawab Major Malik Talib Mehdi Khan** (North Punjab : Muhammadan) : Sir, I wish to associate myself and my Party with what has been said by previous speakers about the loss that India has sustained on account of the passing away of Dr. Annie Besant. She was one of those Englishwomen who tried to bring the East and West together. She gave a very great part of her life to the service of India. She was quite unselfish and had no thought for any kind of reward for the work she did for this country. Sir, her death removes a link which aimed at uniting India and England together, and we mourn her loss, because we have lost a true friend.

**The Honourable Sir Joseph Bore** (Leader of the House) : Sir, I would like to associate myself with the tributes that have been paid to a truly remarkable personality. Mrs. Besant spent the best years of a very long life in what she passionately believed to be the best service of this



[Sir Joseph Bhole.]

country. I am sure that there will be a widespread feeling of regret throughout the country at the loss of a great personality who was a citizen of the world, as much as he was a citizen of India.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I would like to add my own tribute to the memory of one of the greatest personalities that the world has ever seen. In the passing away of Mrs. Annie Besant, the world has lost a remarkable personality. It has been my privilege to enjoy the friendship of Annie Besant, and it was my privilege also to work with her in the public cause for some time. When the future historian of India writes about the progress of the national movement in this country, he would undoubtedly give a place of honour to Annie Besant. To my mind, the greatest service that Annie Besant rendered to this country and to England lies in the fact that she, more than any other person, has been responsible for bringing about better understanding between Englishmen and Indians. She was eminently fitted for this task, because she, more than any other person, understood Indian ideals and aspirations. Her knowledge of Indian culture and Indian philosophy was unique. That foundation enabled her to bring about a better understanding between Englishmen and Indians. I well remember the year 1924 when I proceeded to England as one of the members of the Home Rule Deputation and addressed various public meetings along with her, and I can recall to my mind the enthusiasm which Annie Besant stirred up in the minds of Englishmen and women about the Indian Empire. Both Englishmen and Indians will for many generations to come revere the memory of one who strove so hard to bring about a better understanding between these two countries. Probably those outside her own intimate circle may not realise that, apart from her public services, in her private life she was the very embodiment of charity and philanthropy. I know myself of hundreds of Indian students who owe their educational career and their career in later life to the generosity of Annie Besant. It shall be my duty to convey to the members of the Theosophical Society and to the relations of Annie Besant the deep sorrow that this House feels with the world as a whole in the loss of a great personality, and the greatest friend that India had.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—*concl'd.*

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : The Public Accounts Committee is one of the most important statutory Committees of this House, or, I can say, perhaps the most important one. Its report is always of a technical nature, and the object of discussing it in the House is that the Members of the Assembly, who have not been members of the Public Accounts Committee, should know something about the administration of the various Departments of the Government, and hear something about the efficiency or otherwise of those Departments. The object is not simply to pass the Report in a formal manner ; the intention is that we should know something about it. So, it was unreasonable on the part of Government to have a Report of this kind fifteen minutes before the time

scheduled for the termination of the proceedings of this Assembly, and when a suggestion was made by the Opposition that the subject should be taken up in the Delhi Session, the reply of the Government was still more unreasonable, and the Opposition had no other alternative but to exercise its prerogative.

I frankly admit that I did not even know till yesterday afternoon that the Railway Department also came within the purview of the Public Accounts Committee till the Deputy Secretary passed on the second volume of the Report to me. Many Members on this side of the House are absent and I should not like to detain the House very long. I shall take the advice of my Honourable friend, the Finance Member, and confine my attention to those particular portions which are mentioned in the Report and leave the consideration of all points from A to Z.

Taking up Appendices IV and V of this Report, they deal with a matter in which I had been taking great interest, that is the question of Moody-Ward report and the treatment meted out to travelling ticket inspectors. I daresay, much water has flown since those pages had been written and the position today is much better. There are, however, one or two points to which I would like to draw attention. It is asserted that this was the most feasible scheme that could be devised. If it is supposed to be very efficient, may I suggest that the crew system which has been so much condemned in this Report should now be abolished even on the Great Indian Peninsula Railway where, I understand, it does exist from Khandwa to Manmad. The other thing is that they have sketched out very nicely the defects of the Moody-Ward system. They say that, under the crew system, 30 per cent. of the tickets were missing, as against nine per cent. missing under the Moody-Ward system. The only relic of the crew system that has now been left is the Hayman-Mohindra punch. I respectfully submit to the Honourable the Financial Commissioner for Railways that all these punches should be sold out now like waste iron and the whole thing written off as a dead loss to the Indian railways in memory of those who have gone away.

I take this opportunity to repeat four points to which attention has already been drawn. In this connection I should like to take this opportunity to thank my friend, the Financial Commissioner, who is taking a personal interest in the matter, and on account of his personal sympathy to a just cause this vexed question has been partially or, I may say, to a large extent, solved. Those points still left are (1) that the consolidated travelling allowance should be fixed in proportion to the salary and not fixed for each grade, (2) if the vacancies may be in a higher grade, then.....

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways) : Would my Honourable friend kindly refer me to the part of the Report with which he is dealing ?

**Dr. Ziauddin Ahmad** : It is connected with the Moody-Ward Report which is referred to in Annexure A to Appendix IV. I need not waste the time of the House, but I would like to read only one sentence from this Appendix :

“ The Auditor General concurred in this opinion and added that the function of the Accounts Department was, through the accounts, to check whether the Traffic Department was doing its work properly.”

[Dr. Ziauddin Ahmad:]

And, I think, some machinery ought to be provided to give effect to this suggestion. Some machinery should be provided to check the work of the Transport department.

Now, I come to the next Appendix, namely, V, dealing with publicity. Here, I understand, that a large sum of money had been given to one press in India, both in advance and also recurring. It would probably have been better if the money had been spent in improving the Railway Printing Works, instead of giving it to one press. Another complaint is, the advertisements of the Railway publicity office are invariably given to the English Press and omit altogether the Indian papers. As regards Appendix VI, I have got nothing to say.

Now, I come to the very important Appendix, namely, VII, which deals with construction. Here our Public Accounts Committee go into very great detail and lay down certain conditions so that the old mistakes, I think I am entitled to use a stronger word, follies may not be repeated. I must draw attention once more to the Kangra Valley Railway, the original estimate of which was four crores of rupees and we have already spent Rs. 14 crores over it.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Certainly not. The original estimate was between 130 to 140 lakhs, and we have spent on the whole less than Rs. 3 crores I think. I do not know where my Honourable friend got the figure of Rs. 14 crores.

**Dr. Ziauddin Ahmad** : The important thing is not the actual figures, but that the actual expenditure was three times the original estimate, this my friend cannot deny. Is it or is it not a fact that certain office records were all destroyed ?

**Mr. P. R. Rau** : I understand that there was a fire and the records were destroyed.

**Dr. Ziauddin Ahmad** : If they were destroyed, it is believed that they were destroyed intentionally and the person, who was responsible, I do not like to mention his name, immediately left, and no explanation was called for. Is it not a fact ?

**Mr. P. R. Rau** : This is news to me.

**Dr. Ziauddin Ahmad** : My friend will have more news. I can give you proof of what I am saying now, but I do not like to mention it on the floor of the House. In this particular case, the Railway Department has mismanaged the affairs. My Honourable friend's predecessors, who were responsible for this, took the matter lightly, and no enquiry has been made and no report of a satisfactory nature has been laid before the House.

I should like to have some explanation also about the Salem-Mettur Dam, as to why the total expenditure is about ten times the original estimate. This is another instance in which they have been guilty of mismanagement, the expenditure was much greater than the original estimate. I pause for a reply.

**Mr. P. R. Rau** : I do not think it is correct that the expenditure was ten times the estimate.

**Dr. Ziauddin Ahmad :** If my friend denies it, I leave the matter here. I now turn to Appendices VIII and IX. There you have a list of number of persons who are shown in one particular place, but who are employed in another place. We know that the audit is restricted to 10 per cent. cases. To find out the real number, you have to multiply it by ten. I do not like to read the whole list, but anybody who reads pages 73—77 of this report will see how the railways have been mis-managed. Cases have been given here in very great details. I may remind the House that in a particular farm in the Ambala district, a large number of coolies and railway servants were employed. I do not like to go into details, but I would refer Honourable Members to the pages of this report.

Then I come to the case of the Bengal Nagpur Railway. You find here that the expenditure, which ought to have been debited under reserve or depreciation, was really debited under capital, and the capital was increased enormously. This is mentioned on page 79, and the result would be that, in 1935, when the State would acquire the Bengal Nagpur Railway, we would have to pay the increased capital. I hope that the Committee would look into the matter and would adjust the accounts.

Then I turn to the purchase of certain things in Appendix XV. This is the electric scheme. It is a big thing, and I do not like to speak about it now. I would deal with this later on. In this connection, a beautiful pamphlet has been written by a railway expert. I hope this pamphlet would be laid before the Public Accounts Committee on some future date.

**Mr. P. R. Rau :** May I know what is the pamphlet the Honourable Member is referring to ?

**Dr. Ziauddin Ahmad :** It has been written by some railway officer.

**Mr. P. R. Rau :** Is it by the Director of Railway Audit ? That is the pamphlet which the Public Accounts Committee was considering.

**Dr. Ziauddin Ahmad :** I have not seen the report myself ; but the author promised to send it to me.

The next thing I will refer to is the stores purchased in England. We know that we pay large sums for the inspection and, then, we find that about 20 or 25 per cent. are incorrectly sent.

**Mr. P. R. Rau :** I do not think it is 10 per cent. It is much nearer one or two per cent.

**Dr. Ziauddin Ahmad :** I think they order one thing and get something else, and this is a thing which requires to be looked into. Your inspection should be more thorough and you should see that, whatever things are actually ordered are actually received.

The next thing is about the despatch of coal from Calcutta to Rangoon.

**Mr. P. R. Rau :** To what particular paragraph of the report is my Honourable friend referring ?

**Dr. Ziauddin Ahmad :** I will give it later, but first let me mention the facts. May I ask, if it is not a fact that we have been paying Rs. 4-14-0, while the actual rate has been Rs. 4-4-0 or Rs. 4-0-0, and we are paying about eight annas per ton extra. A protest has already been made by the Burma Railways about this excess freight from Calcutta to Rangoon.

**Mr. P. R. Rau :** I cannot find any reference to this in this Report. Will my Honourable friend give me the reference ?

**Dr. Ziauddin Ahmad :** First consider the facts. Do you admit the facts ? Don't change the issue.

**Mr. P. R. Rau :** We must consider relevancy before we come to test.

**Dr. Ziauddin Ahmad :** I understand that the Burma Railway Administration has already protested against this practice and gave chapter and verse in proof of that statement. I do not like to waste the time of the House on this occasion and probably we will have a full dress debate on this subject when the discussion on the budget of the Indian Railways comes up before the Assembly.

I will also mention here one thing about the purchase of the finished articles by the Madras and Southern Mahratta Railway. They always purchase the articles in a finished form and, afterwards, when they are not used, they are disposed of at 15 per cent. of the original price.

**The Honourable Sir George Schuster (Finance Member) :** On a point of order. I am sure that every one in this Assembly is interested in making this debate on the report of the Public Accounts Committee a useful one, but what my Honourable friend is really trying to do is to carry out on the floor of the House a sort of examination which the Public Accounts Committee itself has to conduct and I understood that you, Sir, agreed yesterday that this debate should confine itself to points which have actually been brought to notice by the Public Accounts Committee. I think my Honourable friend is going beyond that although no doubt he would be doing a valuable service if he called attention to points which had escaped the notice of the Public Accounts Committee.

**Dr. Ziauddin Ahmad :** Now, about the stores it is discussed in the committees' report.....

**The Honourable Sir George Schuster :** What paragraph is my Honourable friend referring to ?

**Dr. Ziauddin Ahmad :** One thing which should be looked into is whether the store balances of a particular railway are not much greater than they are in the case of other railways.

**The Honourable Sir George Schuster :** May I perhaps assist my Honourable friend. I think possibly he has in mind paragraph 21 of Part I of Volume I of the Report.

**Dr. Ziauddin Ahmad :** I have Part II in my mind. I again lay stress on the fact that in one particular railway the store balances are much larger than they are under normal conditions which is due to the fact that they purchased a large quantity of stocks which were afterwards sold at 15 per cent. of the cost price.

**The Honourable Sir George Schuster :** I suggest that my Honourable friend is again quoting from his memory, and what we have to deal with is not my Honourable friend's memory, but this printed Report.

**Dr. Ziauddin Ahmad :** I am talking about the store balances mentioned at page 102, Chapter XIX.

Now, the next thing that I wish to say is about the Vizagapatam Harbour which is a big problem by itself. But the less we say about it, the

better it is ; the Railway Department alone is not responsible for its mismanagement.

There is one thing more to which I should like to draw the attention of the House and that is the last point which I wish to make. It has been pointed out that there has been a great irregularity about locating the exact persons who have been responsible for irregularities. Very often the irregularity is attributed to a person who has left the service. Now, on this point, special stress has been laid in the Report and I hope we will have better accounts next year. I think the best course would be not to allow the person who is supposed to be responsible for some irregularities to go on leave and receive all the bonus to which he is entitled unless and until he has explained all those irregularities. In conclusion, I protest once more that this Report ought to have been brought before the House when it was full and when we could have a better opportunity of hearing the criticisms on the report of the Public Accounts Committee from members responsible for this Report.

**The Honourable Sir George Schuster :** Sir, it is always a very difficult task to reply in a debate of this kind and I would like at the outset to make one suggestion to the Honourable Members who are interested in this subject which, if this debate is to be taken seriously in the future, might be of great advantage. If it were possible for Honourable Members, who intend to take part in a discussion on the Public Accounts Committee's Report, to let us on the Government side have notice of the points which they intend to raise, I think it would be possible to have a very much more satisfactory debate. It is, of course, possible to raise points in connection with every department of the Government arising out of the Public Accounts Committee's Report, but I am sure, Honourable Members opposite will appreciate that it is impossible for us on this side to come prepared to deal with every possible point that may be raised. Therefore, if this discussion is to become a useful feature in our proceedings, I think the suggestion which I have made is worth considering. As, however, we have not had notice of the points which have been raised and as it is very difficult for me to speak on behalf of every department on every detail which has been mentioned, I hope the House will excuse me if I do not reply fully on the present occasion. All that I can do is to say that we in the Finance Department will see that copies of the relevant portions of Honourable Members' speeches are forwarded to the departments which they concern and that due notice is taken of the suggestions made. There is, however, one point of general financial significance which was referred to in the speech of my Honourable friend, the Deputy President. He there complained that Government had not followed the recommendation of the Committee that was set up on the Posts and Telegraphs Accounts as regards creating a capital account and as regards allowing interest on the Department's balances. That is rather a complicated question and I only want to point out to my Honourable friend one practical aspect of that recommendation which recent developments have brought to light. Very briefly, the suggestion was that a fictitious balance should be created and credited to the Posts and Telegraphs Department covering the imaginary accumulations of depreciation fund over a long period of years before commercialised accounts were started and that as against that the Department should be treated as having borrowed money to cover the whole of its capital expenditure at an average rate of about 3½ per cent. The Department would then have been in the position

[Sir George Schuster.]

of being liable for interest at  $3\frac{1}{2}$  per cent. on about  $8\frac{1}{2}$  crores. As against this the Department would have had a book balance standing to the credit of the depreciation fund of the same amount on which it would have earned interest at the current rate. As the rate at the time when the recommendation was made was something like 5.7 per cent., the Department would have benefited to the extent of about  $2\frac{1}{2}$  per cent. on the sum of  $8\frac{1}{2}$  crores, that is to say, the department would have been benefited to the extent of about 18 lakhs per annum. That was suggested as one way to make the department a paying proposition. Well, Sir, in the first place I had to object on behalf of the Finance Department to such an arrangement as it was a purely fictitious reconstruction of the past which would have put the Posts and Telegraphs Department in an extremely favourable position. It was to have been treated as having borrowed money at  $3\frac{1}{2}$  per cent. and as having that money to its credit and being able to earn 5.7 per cent. on it.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : May I ask if the existing conditions were not most unfavourable to the Posts and Telegraphs Department ? If the suggestion is that the new arrangement was going to put the Posts and Telegraphs Department in a favourable position, were not the existing conditions most unfavourable to the Posts and Telegraphs Department ?

**The Honourable Sir George Schuster** : No, Sir : I do not think I can admit that at all. According to our arrangements we were allowing a very substantial rate of interest on all the balances standing at their credit. The point I want to make is this and I do not wish to enter now into the argument as to the merits or demerits of our decision. But the value of that arrangement to the Posts and Telegraphs Department depended entirely on the fact that the rate of interest which would have been allowed on the balances was much greater than the rate of interest at which it was to be assumed that the capital had been raised. Under present conditions instead of the balances being able to earn 5.7 per cent. interest we could not possibly treat them as earning more than about 4 per cent. interest. Therefore, the benefit which the Posts and Telegraphs Department would have received is reduced to a very few lakhs instead of 18 lakhs. It would have been reduced to about 4 or 5 lakhs. The point is that it is purely an accidental circumstance that it was possible to regard the money which had been spent in the past as having been borrowed at a very low rate and being able to earn a very high rate of interest today. If the charges which are to be levied by the Posts and Telegraphs Department from the public and if the attempts to reduce expenditure on the other side are to be regulated by purely accidental conditions of that kind, then I submit we should not get to the results that we are all aiming at, namely, making the Posts and Telegraphs Department really self-supporting. If it had been possible to accept that arrangement, it would have been an accident that it happened to be a beneficial arrangement, and moreover it would be a benefit, the permanence of which could not have been foretold. In fact if the rates of interest happen to go down still further, as they very well may, that arrangement might actually in the future have been found to be costing the Posts and Telegraphs Department money and to be producing a debit balance, which would, of course, entirely upset the purpose of the recommendation. That is an important

financial point and I am glad to have had this opportunity of dealing with it. Otherwise, I do not think that there are any points on which I can be expected to give an immediate reply. I think we may say that this discussion has had one definite advantage and that is that it has forced my Honourable friend from 'A' to 'Z' to forgo his dinner and to read the Public Accounts Committee report. (Laughter.) That, Sir, is a result on which I submit this Assembly can congratulate itself.

**Dr. Ziauddin Ahmad :** When I mentioned the fact that I had to forgo my dinner for the purpose of reading this Report, I thought that the Honourable Member would say that he would in future lay a Report of the Public Accounts Committee in good time for discussion and at a time when the House is full, and I am rather sorry that only the humorous side had appealed to him and the serious part did not appeal to him.

**The Honourable Sir George Schuster :** I am quite ready to accept my Honourable friend's suggestion and I can give him the assurance that we will do our best to give due notice of the business in future and provide proper time for its discussion. But if we accept that suggestion, then, I think, we are entitled to claim on the other side that Honourable Members who ask for time to discuss this Report should take the matter seriously and should, as far as possible, help us to deal with the points which they have raised.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The question is :

"That the Assembly do approve the expenditure of Rs. 25,388 incurred in 1930-31 representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of materials purchased for locust operations in that year."

The motion was adopted.

The Assembly then adjourned till eleven of the Clock on Monday, the 13th November, 1933, at New Delhi.







# Index to the Legislative Assembly Debates

## Volumes V to VII, 1933

### A

#### ABDOOLA HAROON, SETH HAJI—

##### Question re—

- Allegations against one Mr. Mangharan, sub-Post Master, Kambar. 264-65.
- Applications for registration of firms received by the Income-tax Officer in Karachi. 1044.
- Communal composition of clerks in the Medical Department, North Western Railway. 1286.
- Communal composition of District Medical Officers on State Railways. 1284.
- Communal composition of the staff in the office of the Chief Medical and Health Officer, North Western Railway. 1284-85.
- Confirmation of certain clerks on the North Western Railway. 559-60.
- Deputation of a medical man for a clerical job in the Office of the Medical Officer, Lahore. 1287-88.
- Dismissal of one B. Ghulam Muhammad, a clerk in the Office of the Chief Medical Officer, North Western Railway. 1287.
- Examination for lower division postal clerks held at Delhi. 954.
- Export of duty-paid foreign sugar from Karachi to Kashmir and Jammu States. 426.
- Export of foreign sugar from Karachi to Persian Gulf Ports. 427.
- Export of foreign sugar to Afghanistan and Duzdap. 427.
- Export of silver from India to America. 264.
- Grant of enhanced salaries to Hindu Assistant Surgeons with English qualifications. 1285.
- Grievances of Muslims against the Medical Department of the North Western Railway. 1283-84.
- Misuse of privilege passes by certain employees of the North Western Railway. 1288.

#### ABDOOLA HAROON, SETH HAJI— *contd.*

##### Question re—

- Muslim draftsman retrenched from the Office of the Chief Engineer, Survey and Construction, North Western Railway. 380.
- Officers and clerks in the Military Engineering Service, Western Command, Quetta. 686.
- Pass section of the North Western Railway. 1054.
- Paucity of Muslims in the Medical Department of the North Western Railway. 515.
- Placing of certain clerks on special duty in the office of the Agent, North Western Railway. 49-50.
- Re-appointment of retrenched staff of railway in the inverse order of their discharge. 292.
- Reduction of land revenue and grant of *Takawis* to agriculturists in Sind and Baluchistan. 795.
- Representation of Muslims in the clerical staff of the Military Engineering Service, Western Command, Quetta. 686.
- Representation of Muslims in the Establishment Branch of the Office of the Chief Medical Officer, North Western Railway. 1285-86.
- Retrenchment in the Survey of India Department. 1339.
- Sindhi Hindus discharged from the Office of the Chief Engineer, Survey and Construction, North Western Railway. 380.
- Victimisation of Muslims in the Office of the Chief Medical Officer, North Western Railway. 1286-87.
- Resolution re raising of duty on foreign cotton imports. 566-68, 579.

#### ABDUL GHAFAR KHAN, KHAN—

##### Question re—

- Illness of —'s brother. 1036.
- Release of —. 1036.

#### ABDUL MATIN CHAUDHURY, MR.— Consideration of the Report of the Public Accounts Committee. 1909-11.

**ABDUL MATIN CHAUDHURY, MR.***—contd.*

Expressions of regret on the deaths of Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Hussain Khan. 51.

Factories Bill—

Motion to refer to Select Committee. 1630-34.

Indian Income-tax (Amendment) Bill—  
Presentation of the Report of the Committee on Petitions. 1485.

Indian Tea Control Bill—

Motion to refer to Select Committee. 1619-27.

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 159-60.

Resolution *re* Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1890-92, 1894.

Workmen's Compensation (Amendment) Bill—

Motion to consider. 62-63.

Consideration of—

Clause 2. 75.

Clause 3. 83.

Clause 18, 120, 121, 123.

Motion to pass. 298.

**ACADEMY—**

Question *re* nomination of the Indian Army soldiers to the Indian Military —, Dehra Dun. 909-12.

**ACCIDENT(S)—**

Question *re—*

— to the 8 Down Delhi Express at Asansol. 175.

Railway — near Dharampur on the Kalka Simla Railway. 94-95.

Railway — near Mokameh on the East Indian Railway. 96-97.

**ACCOMMODATION—**

Question *re* introduction of intermediate class — on the South Indian Railway. 1114.

**ACCOUNT(S)—**

Question *re—*

Alleged falsification of — by a clerk of the Office of the Director, Telegraph Engineering, Eastern Circle. 1368-69.

Proposal for the introduction of modified system of Commercial — in the Bengal Cinchona Department. 615.

Reservation of posts of Assistant Accounts Officers on the North Western Railway for Accountants and Inspectors of Station —. 558-59.

Results of the audit of the — of architects of Nasik buildings. 786.

**ACCOUNTANT(S)—**

Question *re—*

— in the Posts and Telegraphs Account and Audit Offices. 200.

Differential treatment in sanctioning special pay for town Inspectors and — of Post Offices. 1027.

Examination papers of the Post Office —. 1028.

Income of the —, Government Forms Press, Aligarh. 1289.

Recruitment of qualified clerks as — in the East Indian Railway Accounts Department. 292.

Reservation of posts of Assistant Accounts Officers on the North Western Railway for — and Inspectors of Station Accounts. 558-59.

Retrenchment of — from the Military Accounts Department, Rawalpindi. 30-32, 34.

Revision of the scale of pay of — attached to certain Post Offices. 1027-28.

Special pay sanctioned for Post Office —. 1026.

**ACCOUNTANT GENERAL—**

Question *re—*

Abolition of the office of the —, Posts and Telegraphs. 200.

Appointment of the Assistant in charge of the administration branch in the office of the Deputy —, Posts and Telegraphs, Delhi. 201.

Confirmation of one Mr. Bashir Ahmad Akhgar in the Office of the Deputy —, Posts and Telegraphs, Delhi. 377.

Constitution of the Office of the —, Posts and Telegraphs. 200.

Employment of Sikhs in the Office of the Deputy —, Posts and Telegraphs, Delhi. 376-77.

Post of the Personal Assistant to the —, Posts and Telegraphs. 201.

Rent of Government quarters paid by the staff of the office of the Deputy —, Posts and Telegraphs, Delhi. 1053-54.

Representation of minority communities in the Offices of the —, Posts and Telegraphs. 200.

Strength of the non-gazetted staff in the Office of the —, Posts and Telegraphs. 200.

Supervisor of records of the Office of the Deputy —, Posts and Telegraphs, Delhi. 377.

**ACCOUNTS DEPARTMENT—**

**Question re—**

Communal composition of certain grades of services in the —, East Indian Railway. 1853.

Promotion of clerks in the East Indian Railway —. 1054.

Recruitment of qualified clerks as Accountants in the East Indian Railway —. 292.

Retrenchment of Accountants from the Military —, Rawalpindi. 30-32, 34.

**ACCOUNTS OFFICE—**

**Question re—**

Inequality in the distribution of higher posts in the Railway Clearing —. 1109-10.

Retrenchment in the Chief — of the North Western Railway. 559.

Retrenchment in the Railway Clearing —, Delhi. 1054.

**ACCOUNTS OFFICER(S)—**

**Question re—**

Discharge of certain Hindu clerks from the office of the Chief —, North Western Railway. 1668-70.

Reservation of posts of Assistant — on the North Western Railway for Accountants and Inspectors of Station Accounts. 558-59.

**ACCOUNTS SERVICE—**

**Question re** recruitment to the Sub-ordinate —. 375-76.

**ACCOUNTS STAFF—**

See "Staff".

**ACHARYA, SAROJ RANJAN—**

**Question re—**

Illness of —, a detenu in the Deoli Detention Camp. 372-73.

Present condition of the health of —, detained in the Deoli Detention Camp. 95.

**ACQUISITION(S)—**

**Question re** forcible — of a bungalow by Military Estate Officer in Peshawar. 1754.

**ACQUITTAI(S)—**

**Question re** — of Mr. Nikhil Ranjan Guha Roy by the Calcutta High Court. 1606-07.

**ACT(S)—**

**Child Marriage Restraint—**

**Question re** devices adopted by certain persons to evade the —. 252, 1485.

**Emergency Press—**

**Question re** non-release on bail of persons arrested for offences under section 18 of the —, 1931, in Delhi. 271-72.

**Indian Income-tax—**

**Question re—**

Amendment of section 61 of the —. 259-60.

**ACTS—contd.**

**Indian Income-tax—contd.**

**Question re—**

Amendment of section 64 of the —. 1451.

Assessment proceedings under the — in Sind. 258-59.

Petitions filed under section 27 of the — in Calcutta. 1471.

**Moplah Outrages—**

**Question re—**

Moplahs detained under Regulation III and the —. 634-35.

Moplahs wanted by police under Regulation III and the —. 634.

**Punjab Primary Education—**

**Question re** enforcement of the — in Delhi. 1347-48.

**Safeguarding of Industries—**

**Question re—**

Action taken under the —. 104.

Industries given protection under the —. 744-46.

**ADDRESS(ES)—**

— by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly. 417-25.

**ADEN—**

**Motion re** future Administration of —. 1718-39, 1772-1820.

**Question re—**

Separation of — from India. 446-47.

Transfer of — to His Majesty's Government. 171-72.

**ADII-KUMBH MELA—**

**Question re—**

—, Hardwar. 1823-24, 1824-25.

Arrangements for the —, 1933. at Hardwar. 1463.

**ADJOURNMENT—**

**Motion for — re—**

Aerial bombardment of Kotkai in the Trans-Frontier. 551-55.

Ruled out of order. 554-55.

Aerial bombardment on Kotkai in the Trans-Frontier. 780-83, 865-89.

Talked out. 889.

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1388-91, 1419-44.

Talked out. 1444.

Expulsion order passed by the Commissioner on some residents of the Phulra State. 1225, 1291-92.

Ruled out of order. 1292.

Facilities given to Mahatma Gandhi in jail. 116, 147-69.

Forfeiture by Government of the *Free Press Journal* deposit. 1119-20.

Ruled out of order. 1120.

**ADMINISTERED AREAS—**

**Question re** expenditure on Inspectorate in the — in Central India. 556.

**ADMINISTRATION(S)—**

Motion *re* future — of Aden. 1718-38, 1772-1820.

Question *re* decentralisation of the — of the Posts and Telegraphs Department. 1369-70.

**ADMINISTRATION BRANCH—**

Question *re* appointment of the Assistant in charge of the — in the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 201.

**ADMINISTRATION REPORT—**

Question *re* annual — of the Lahore Cantonment Board. 512.

**ADMINISTRATIVE POSITION—**

Question *re* present political and — of Gilgit. 190.

**ADULTERATION—**

Question *re* complaints about — in country liquor bottles. 40.

**ADVERTISEMENT—**

Question *re*—

-- for probationers for certain posts at the Railway School, Chandausi. 743-44.

Objectionable — in newspapers. 630.

Publication of . . in connection with the services and educational matters, etc., in the Gazette. 603-04.

**ADVISORY COMMITTEE(S)—**

Question *re*—

Consultation with the Local — on different Railways in fixing rates for eatables and aerated water. 273-76.

Delay in the issue of the reports of Local Railway —. 1827-28.

See also "Committee(s)".

**ADYA GUAD BRAHMAN(S)—**

Question *re* appointment of — in the Currency Note Press, Nasik. 785.

**AERATED WATER(S)—**

Question *re* consultation with the Local Advisory Committees on different Railways in fixing rates for eatables and —. 273-76.

**AERIAL BOMBARDMENT—**

Motion for Adjournment *re* — of Kotkai in the Trans-Frontier. 551-55, 780-83, 865-89.

Question *re* — at Kotkai on the North-West Frontier. 753-54.

**AEROPLANE(S)—**

Question *re* bombardment of certain villages of independent tribes on the North-West Frontier by British —. 738.

**AFGHANISTAN—**

Question *re* export of foreign sugar to — and Duzdap. 427.

**AFRICA—**

Question *re*—

Demand for Closer Union of East — including Tanganyika with Kenya. 1383-84.

Postal Union in East —. 1005-06.

Sending back of repatriated Indians from Natal and other parts of South — to their homes. 735-36.

**AGE—**

Question *re* — of compulsory retirement in Railway Board's Office. 1045-46.

Resolution *re* Draft Convention and Recommendation concerning the — for admission of children to non-industrial employment. 1885-96.

**AGE LIMIT—**

Question *re* — for certain appointments in the Army. 276-77.

**AGENT—**

Question *re* placing of certain clerks on special duty in the office of the —, North Western Railway. 49-50.

**AGGARWAL, MR. JAGAN NATH—**

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1231-32.

Election of — to the Select Committee on the Amendment of Standing Orders. 783.

Expressions of regret on the death of Mr. B. N. Misra. 1862-63.

Indian Railway (Amendment) Bill—

Motions to consider, to recirculate and to recommit to Select Committee. 317, 330-34.

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 163-66, 167.

Question *re*—

All-India Royal Air Force examination. 1747.

Annual Administration Report of the Lahore Cantonment Board. 512.

Appointment of an Indian as Director General, Indian Medical Service or as Public Health Commissioner in India. 923-25.

Censorship of cinematograph films. 925.

Certificates of sickness produced by the North Western Railway employees. 796.

Firms manufacturing playing cards in India. 925-26.

Free supply of water to the Lahore Cantonment Board for watering roads. 511.

**AGGARWAL MR. JAGAN NATH—**  
*concl'd.*

Question *re*—

Grants-in-Aid to Local Bodies in the Cantonments. 512-13.

Ground engineers employed in different flying clubs in India. 365-66.

Increase in the import of fruits and vegetables from foreign countries. 1117-19.

Judicial officers in the Delhi Province. 926-27.

Leasing out of military dairies to contractors. 1277-79.

Playing cards imported into British India from Japan. 1117.

Posting of judicial and police gazetted officers to their home districts. 927.

Profit and loss of the Government military dairies. 1280-81.

Protection of the private dairy industry from the unfair competition of military dairies. 1276-77, 1279-80.

Purchase of grain for the Military and management of the depots. 740-42.

Rate of electric energy supplied by Military Engineering Services to the Lahore Cantonment Board. 510-11.

Retrenchment in the Survey of India Department. 742-43.

Rules for recruitment of Indians to the Indian Army Veterinary Corps. 364-65.

Stoppage of express trains at Khatauli, North Western Railway. 1282-83.

Transfer of certain roads from the Military Engineering Services to the Lahore Cantonment Board. 511-12.

Question (Supplementary) *re*—

Absence of a direct train between Delhi and Karachi. 108.

Allegations of assault made on the Congressmen after their arrest in Calcutta. 21.

Cost of the Delhi Conspiracy Case. 767.

Cost of the Meerut Conspiracy Case. 766-67.

Death of certain political prisoners in the Andamans. 104.

Firms manufacturing playing cards in India. 909.

Loans advanced to the Bahawalpur State out of Indian revenues. 937.

Mr. Gandhi's fast. 28.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

**AGGARWAL, MR. JAGAN NATH—**  
*concl'd.*

Question (Supplementary) *re*—

Persons whipped in connection with the Civil Disobedience Movement. 16.

Recruitment of ministerial staff of the Government of India Secretariat and attached offices. 933.

Transportation of political prisoners to the Andamans. 111.

Reserve Bank of India Bill—

Motion to refer to Joint Committee. 1415-19.

**AGITATION—**

Question *re* — of the white settlers in Kenya against income-tax. 1007.

**AGRA—**

Question *re* research work on behalf of the Imperial Council of Agricultural Research done at —. 1762.

**AGREEMENT(S)—**

Question *re*—

Proposed revision of the terms of the Ottawa —. 1334-36.

Unsatisfactory working of the Ottawa — in some particulars. 624-25.

**AGRICULTURAL RESEARCH—**

*See* "Imperial Council of —".

**AGRICULTURE —**

Question *re*—

Amount contributed by the Government of India to different provinces for the benefit of —. 450.

Condition of — and industries in foreign countries. 1047.

**AGRICULTURIST(S)—**

Question *re* reduction of land revenue and grant of *Takaris* to — in Sind and Baluchistan. 795.

**AHMAD NAWAZ KHAN, MAJOR NAWAB—**

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 780.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1650, 1654, 1700-01.

Motion for Adjournment *re*—

Aerial bombardment on Kotkai in the Trans-Frontier. 869-72, 879, 887.

Alleged scurrilous article in the *Daily Gazette re* Mahatma Gandhi. 1421.

Motion *re* Future Administration of Aden. 1736-38. 1807.

**AIR BOMBARDMENT—**

Question *re* — on the tribal area of the North-West Frontier. 679-84

**AIR BOMBING**

Question *re* — on the North-West Frontier of India. 1034.

**AIR CONVENTION(S)**—  
See "Convention(s)".**AIR EXPEDITION(S)**—  
See "Expedition(s)".**AIR FORCE**—  
Question *re* All-India Royal — examination. 1747.**AIR PISTOL(S)**—  
See "Pistol(s)".**AIR SERVICE**—  
Question *re* extension of Trans-Continental — from Karachi to Singapore. 267-69.**AJMER**—  
Question *re*—  
Alleged grievances against the Municipal Committee, —. 377-78.  
Appointment of an Executive Officer in the Municipal Committee, —. 378.  
Hardships felt by passengers visiting the fair at —. 435.  
Non-payment of the salaries of some sweepers of the Municipal Committee, —. 378.**AJMER CITY**—  
Question *re* Municipal Administration of —. 1829.**AJMER-MERWARA JUVENILES SMOKING BILL**—  
See "Bill(s)".**AKHGAR, MR. BASHIR AHMAD**—  
Question *re* confirmation of one — in the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.**AKRA**—  
Question *re* immigrants left stranded at —, Kidderpore. 358-59.**ALARM PISTOL(S)**—  
See "Pistol(s)".**ALIGARH**—  
Question *re*—  
Allegations against the Head Clerk, Government Forms Press, —. 1289-90.  
Contracts for building and supplying goods, etc., in the Government Forms Press, —. 1289.  
Falling off in the number of students in the Benares and — Universities. 624.  
Income of the Accountant, Government Forms Press, —. 1289.  
Recruitment of Muslim employees in the Government Forms Press, —. 1289.**ALIPORE**—

Question *re*—  
Rejection by the — Test House of a tender sample of Messrs. Sett and Dass Company. 1040-42.  
Test of Red Seal Brand metal polish and silver polish by the — Test House. 1039-40.  
Testing of samples of enamel navy green by the Government Test House, —. 1053.

**ALLAH BAKSH KHAN TIWANA, KHAN BAHADUR MALIK**—  
Oath of office. 87.  
Question (Supplementary) *re*—  
Conference of horse-breeders of the Jhelum Canal Colonies. 519, 520, 521.  
Horse breeding in the Jhelum Canal Colonies 523.**ALLAHABAD**—

Question *re*—  
Alleged injustice to Muslims in the Railway Mail Service, —. 1100-01.  
Communal composition of the holders of selection grade posts under the Postmaster, —. 1822.  
Communal representation of the inferior servants in the — General Post Office. 1823.  
Non-appointment of Muslims as extra-departmental Postmasters at —. 1822-23.  
Promotion of two non-Muslims as town Inspectors in the General Post Office, —. 1822.  
Proposed transfer of the seat of the High Court from — to Lucknow. 1255.

**ALLEGATION(S)**—

Question *re*—  
— against a Railway official of the Dinapore Division. 465.  
— against Khan Sahib Malik Karam Din, Telegraph Master, Government Telegraph Office, Lahore. 1667.  
— against one Mr. Mangharam, sub-Post Master, Kambar. 264-65.  
— against the British India Steam Navigation Company. 373-75.  
— against the Head Clerk, Government Forms Press, Aligarh. 1289-90.  
— against the late establishment clerk, Simla Head Post Office. 1664-65.  
— against the police in Calcutta and Bombay. 1739-42.  
— against the Superintendent of Post Offices, Rohtak Division. 1382-83.

**ALLEY-WAYS—**

Question *re* space for — in pilgrim-ships. 620.

**ALL-INDIA CADRE—**

Question *re* creation of an — for the civilian Executive Officers of Cantonments. 613.

**ALL-INDIA MUSLIM LEAGUE—**

Question *re* representative of the — for giving evidence before the Joint Parliamentary Committee. 343-44.

**ALLOTMENT(S)—**

Question *re* — of quarters in New Delhi. 1037-39.

**ALLOWANCE(S)—**

Question *re*—

— of members of different committees and commissions. 599.  
— of Travelling Ticket Examiners on the North Western Railway. 734.

• — to the stenographers of the Central Telegraph Office and General Post Office, Madras. 1851-52.

Amount spent on the salaries and — of the officers under the Calcutta Port Trust. 547, 1766.

Consolidated — of Inspectors of Crews on the East Indian Railway. 292.

Consolidated — of Travelling Ticket Inspectors and their Divisional Inspectors on the East Indian Railway. 1030.

Consolidated — paid on the East Indian Railway. 1352-53.

Contingent — sanctioned for certain postal officials. 1025-26.

Cost incurred by Government on the haulage, travelling and other — for the nominated members of the Legislative Assembly. 1121.

Cut in the consolidated — of Travelling Ticket Examiners on the East Indian Railway. 1351-52.

Denial of bill — to the Railway staff stationed at Dehra Dun. 466.

Diet — of certain Bengal State Prisoners detained in jails in the Madras Presidency. 895-96.

Grant of an — to Mr. V. G. Vaishampayan, a State Prisoner. 1378.

Grant of compensatory — to Travelling Ticket Inspectors on the East Indian Railway. 1029-30.

House rent — granted to the Government of India staff in New Delhi. 1757.

**ALLOWANCE(S)—*contd.***

Question *re*—

Issue of Railway passes to Government servants instead of granting travelling —. 452-53.

Non-grant of an — to the family of State Prisoner Mr. Arun Chandra Guha. 1605.

Non-grant of an — to the family of State Prisoner Mr. Manoranjan Gupta. 1604-05.

Rates of — drawn by postal employees at Darjeeling. 954-55.

Saving effected by the discontinuance of — paid to postmen for the delivery of Foreign Mail. 542.

Sports — for Bengal State Prisoners in jails of the Madras Presidency. 896-97.

Withdrawal of daily — of Inspectors of Station Accounts, etc., on the East Indian Railway. 1851.

**ALTERATION(S)—**

Question *re* certain — in "D" type orthodox quarters in New Delhi. 1754-55, 1840-41.

**ALWAR—**

Question *re*—

Troops from British India sent to —. 686.

Troubles of the Hindus of the — State. 185-86.

**AMALGAMATION(S)—**

Question *re*—

— and separation of the cadres of Inspectors of Railway Mail Service and Inspectors of Post Offices. 955.

— of clerical grades in the Audit Department, North Western Railway. 947-48.

Position of compositors and binders after the — of the East Indian and Eastern Bengal Railway Presses. 1346-47.

Proposal for the — of the municipalities of Old and New Delhi. 1854.

**AMBALA—**

Question *re*—

Buildings in the — Cantonment. 795.

Income-tax assessed on the income of Rai Bahadur Banarsi Das of —. 1252-53.

**AMENDMENT(S)—**

Question *re* — of section 61 of the Indian Income-tax Act. 259-60.

**AMENDMENT OF STANDING ORDERS—**

*See* "Standing Orders".



## AMERICA—

## Question re—

Complaints and hardships of Indians in the Panamanian countries, —. 463.

Export of silver from India to —. 264.

Silver bars left in stock with the Government of India after payment of the same to — as a War debt. 611.

Silver transaction with England for payment of War debt to —. 623.

Training in Commercial Engineering in —. 1106.

## AMERICA, UNITED STATES OF—

Question re payment of War Debt by England to the — with silver acquired from India. 266.

See also "United States of America".

## AMRITSAR—

## Question re—

Contract for Muslim sweets-stall at —. 1099.

Irregular action of the late Deputy Postmaster. —. 1663.

Retrenchment in the — Head Post Office. 199.

## ANÆSTHETIST—

Question re — in the Ripon Hospital, Simla. 930.

## ANDAMANS—

## Question re—

Appointment of a Financial Adviser to the Chief Commissioner, —. 536.

Cellular Jail in the —. 336.

Changes in the treatment of prisoners in the —. 1602.

Condition of the health of certain political prisoners in the Cellular Jail. —. 361-62.

Condition of the health of Mukul Ranjan Sen and Biren Roy, political prisoners in the —. 360-61.

Death of certain political prisoners in the —. 98-104, 110, 112.

Death of prisoners from hunger-strike in the —. 279.

Deaths from pneumonia in jails in the —. 286-87.

Disposal of dead bodies of certain prisoners in the —. 1602.

Dr. Rabindra Nath Tagore's message to the hunger-striking prisoners in the —. 1601-02.

Forced feeding of Mahabir Singh, a late political prisoner in the Cellular Jail. —. 285-86.

## ANDAMANS—contd.

## Question re—

Hunger-strike by certain political prisoners in the —. 110, 335-36, 364, 1597, 1603.

Illness of prisoners in the —. 1603.

Interview with political prisoners in the — by their relatives. 363-64.

Interviews granted with political prisoners in the —. 1597-98.

Intimation of the deaths of prisoners in the — to their relatives. 1604.

Losses incurred in working the Executive Commissariat Department in the —. 605-06.

Menu of diet supplied to certain prisoners in the —. 1599.

Moplahs convicted of offences connected with the Malabar Rebellion in jails and —. 634.

Newspapers supplied to political prisoners in the —. 1597.

Officer in charge of the — fisheries. 1748.

Permission to prisoners in the — to have money in Jailor's custody for personal expenditure. 1598-99.

Political prisoners confined in jails in India and in the —. 497.

Proposed transfer of one Sudhansu Ranjan Sen, a political prisoner, to the —. 1831-32.

Reply of telegrams enquiring about the health of political prisoners in the Cellular Jail. —. 362-63.

Representations made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the —. 1600-01.

Sending or receiving of communications by prisoners joining hunger-strike in the Cellular Jail. —. 1598.

Transportation of political prisoners to the —. 110-12.

## ANEY, MR. M. S.—

Question re treatment meted out to — in the Midnapur Jail. 175-78.

## ANGLO-INDIAN(S)—

Question re retrenchment of — by the Superintendent, Railway School of Transportation, Chandausi. 1480.

## ANKLESARIA, MR. N. N.—

Expressions of regret on the death of —

Mr. B. N. Misra. 1863.

Mrs. Annie Besant. 1919.

Motion re Future Administration of Aden. 1732-33, 1734-35.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1508-11.

ANWAR-UL-AZIM, MR. MUHAMMAD—

Hedjaz Pilgrims (*Muallims*) Bill—  
Motion to recommit to Select Committee. 1709-10.

Indian States (Protection) Bill—  
Motions to refer to Select Committee and to circulate. 1214-16.

Motion for Adjournment *re* aerial bombardment on Kotkai in the Trans-Frontier. 872-73.

Murshidabad Estate Administration Bill—

Consideration of—

Clause 3. 1559-60, 1563.

Clause 11. 1573-74.

Clause 20. 1575-76.

Clause 22. 1577.

Question *re*—

Allowances of members of different Committees and Commissions. 599.

Appointment of Muslims in the Sind and Baluchistan Circle. 40.  
Committee on the Great War Pensions. 599-600.

Communal composition of the holders of selection grade posts under the Postmaster, Allahabad. 1822.

Communal representation of the inferior servants in the Allahabad General Post Office. 1823.

Creation of insurance companies in India. 752-53.

Frauds committed in the Quetta Post Office. 955.

Grievances of the Muslim staff of the Quetta Head Post Office. 199.

Letters found uncleared from the letter box of the Pishin Post Office. 954.

Muslim gazetted officers in the United Provinces Postal Circle. 1821.

Non-appointment of Muslims as extra-departmental Postmasters at Allahabad. 1822-23.

Non-recruitment of Muslim clerks in the office of the Divisional Engineer, Telegraphs, New Delhi. 955-56.

Permission to railway employees to pay their insurance premia from the Provident Fund. 752.

Promotion of two non-Muslims as Town Inspectors in the General Post Office, Allahabad. 1822.

Rail Roads Conference held at Simla. 600.

Recruitment of Bengal Muslims in services under the Government of India. 1825-26.

ANWAR-UL-AZIM, MR. MUHAMMAD—*contd.*

Question *re*—

Recruitment of Garhwali Hindus in the Quetta Head Post Office as packers and postmen. 954.

Renting of the long corrugated iron shed to the Summer Hill Commandant. 750-51.

Sale of the surplus land at Summer Hill called the football ground. 751-52.

Question (Supplementary) *re* examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460.

APPEAL(S)—

Question *re*—

pending before each Assistant Income-tax Commissioner in the United Provinces. 493-95.

Withholding of — addressed to the Railway Board. 1611-12.

APPELLATE WORK—

Question *re* assesses to income-tax and super-tax and Assistant Commissioners engaged in — in certain provinces. 934-35.

APPLICATION(S)—

Question *re* rejection of — for appointments from the sons and relatives of postal officials of the Calcutta General Post Office. 1386.

APPOINTMENT(S)—

Motion for Adjournment *re* reservation of — for minority communities. 37-38.

Question *re*—

Age limit for certain — in the Army. 276-77.

— of apprentice train examiners for the Operating Department. 1357.

— of Hindu Superintendents in the Punjab Postal Circle. 1667.

— of Lillooah apprentices. 1356-57, 1357-58.

— of Lillooah apprentices as Electricians and Train Examiners. 1359.

— of Lillooah apprentices as Train Examiners. 1358-59.

— of Presidents and Members of the Tariff Board from provinces other than Bombay. 927-30.

Communal inequality in inferior — in the Jhelum Head Post Office. 1379.

Disproportion of certain — on the North Western Railway. 276.

Filling up of certain postal — permanently at certain places. 1102-03.

Fixation of percentage for — in Government service for Muslims and other communities. 87-90.

**APPOINTMENT(S)—contd.****Question re—**

Inadequate — of Muslims as temporary assistant Income-tax Officers in the United Provinces. 90-91.

Non-filling up of certain permanent — in the Post Offices. 1101-02.

Preference to *ex-approved* candidates in the Postal Department in making —. 1103.

Rejection of applications for — from the sons and relatives of Postal officials of the Calcutta General Post Office. 1386

Soldiers holding upper division — in the Army Headquarters. 1449-50.

Unauthorised — in the Postal Department. 1369.

**APPRENTICE(S)—****Question re—**

Appointment of *ex—* of the Lillooah Workshop. 381.

Appointment of Lillooah —. 1356-57, 1357-58.

Appointment of Lillooah — as Electricians and Train Examiners. 1359.

Appointment of Lillooah — as train examiners. 1358-59.

Appointment of Lillooah *ex—* as Ward-Keepers, etc., on the East Indian Railway. 380.

Appointment of trained *ex—* in the East Indian Railway Workshops, Lillooah. 564.

Communal composition of — nominated to the Welding Department, Jamalpur Railway Workshop. 544.

Grievances of — working in the Deputy Commissioner's Office, Delhi. 941.

Mechanical *ex—* of the East Indian Railway Workshop, Lillooah. 560.

Selection of special class — for the Superior Revenue Establishment of State Railways. 1112.

Stoppage of recruitment of — Train Examiners for the Operating Department, East Indian Railway. 564.

Technical — employed in the Presses at Nasik. 786.

Technical — in the Calcutta Port Trust workshops. 1022.

**APPRENTICE TRAIN EXAMINER(S)—**

*See* "Train Examiner(s)".

**APPROPRIATION FROM DEPRECIATION FUND (RAILWAYS)—**

Demand for Excess Grant. 1230.

**APPROPRIATION FROM RESERVE FUND (RAILWAYS)—**

Demand for Excess Grant. 1231.

**ARAVANKADU—****Question re—**

Promotion to the rank of chargemen at the Cordite Factory, —. 1743-44.

Registration of the Cordite Factory Labour Union, —. 1742-43.

**ARBITRATION (AMENDMENT) BILL—**

*See* "Indian —" under "Bill(s)".

**ARCHAEOLOGICAL DEPARTMENT—****Question re—**

Free occupation of Government quarters by certain employees of the —. 1856.

Ignoring the claims of Muslims in the —. 1857-58.

Retrenchment in the —. 1855-56.

**ARCHAEOLOGICAL SUPERINTENDENT—**

Question *re* allegations against Mr Chandra, —, Poona. 1856-57.

**ARCHITECT(S)—**

Question *re* results of the Audit of the accounts of — of Nasik buildings. 786.

**AREA(S)—**

Question *re* dissatisfaction of Oriya on account of non-inclusion of certain — in the proposed Oriss Province. 7-9.

**ARMY—****Question re—**

Age limit for certain appointments in the —. 276-77.

Educational requirements of the new Indian —. 276.

Replacement of British clerks at the Headquarters of Commands of the Indian — by Indian clerks. 277

**ARMY DEPARTMENT—**

Question *re* stores and stocks factories under the —. 606.

**ARMY DEPARTMENT TRAINING MANUAL—**

Question *re* printing of the — private presses. 1845-46.

**ARMY HEADQUARTERS—****Question re—**

— special train between Summ Hill and Simla. 347-48, 349, 351, 1465-67, 1468.

Change of timings of the — special train or of office hours of Government offices in Simla. 1470.

ARMY HEADQUARTERS—*contd.*

Question *re*—

Free railway passes allowed to — clerks living in private houses in Summer Hill. 351.

New scales of pay for — staff. 1682.

Passes for free conveyance of — clerks between Summer Hill and Simla. 914-16.

Recruitment of the ministerial establishment of the Contracts Directorate. —. 34-36.

Refusal to allow — Indian clerks living in private houses to travel by the special train running between Summer Hill and Simla. 918.

Reservation of seats for soldiers in the —. 1449.

Soldiers holding upper division appointments in the —. 1449-50.

Unqualified persons promoted to upper division in the —. 1450.

ARREST(S)—

Question *re*—

Allegations of assault made on the — Congressmen after their — in Calcutta. 21-26.

— and deportation of Mr. George Mraz who was running a German Therapeutic Institute in Delhi. 625.

— and detention in connection with alleged revolutionary activities in the Delhi Province. 270-71.

— of Mr. Devidas Ganhi at Delhi. 760-64.

ARTICLE(S)—

Question *re*—

— entitled "Monstrous" in the *Indian Railway Magazine*. 1115.

— in the *Bombay Chronicle* under the heading "Great Indian Peninsula Railway and workers". 1612.

— in the *Indian Railway Gazette* against the Standing Finance Committee for Railways. 1831.

ASANSOL—

Question *re* accident to the 8-Down Delhi Express at —. 175.

ASIATIC(S)—

Question *re* discrimination against — staff in the Tanganyika Railways. 1004-05.

ASSAM—

Question *re*—

Communal composition of non-gazetted staff in the Bengal and — Postal Circle. 661-62.

Income-tax and super-tax paid by the tea-planters in —. 1757-58.

ASSAM BENGAL RAILWAY—

See "Railway(s)".

ASSASSINATION—

Question *re* — of Mr. Burge, District Magistrate, of Midnapore. 778.

ASSAULT(S)—

Question *re*—

Allegations of — made on the Congressmen after their arrest in Calcutta. 21-26.

Alleged — on the people at the Esplanade tram-shed in Calcutta. 114-16.

— by a Gurkha sepoy on some Professors of a Barisal College. 1840.

ASSEMBLY—

See "Legislative Assembly."

ASSENT—

Governor General's — to Bills. 38-39.

ASSESSEE(S)—

Question *re*—

Applications received from — in Sind for transfer of their assessment. 1450-51.

— to Income-tax and super-tax and Assistant Commissioners engaged in appellate work in certain provinces. 934-35.

Payment of refunds to Income-tax —. 278-79.

ASSESSMENT(S)—

Question *re*—

Applications received from assessees in Sind for transfer of their —. 1450-51.

— of Income-tax from contractors in Sind. 259.

— of income-tax in Calcutta. 1472.

— proceedings under the Indian Income-tax Act in Sind. 258-59.

ASSISTANT(S)—

Question *re*—

Admission fee for the examination for recruitment of — and clerks in the Government of India Secretariat and Attached Offices. 460-62.

Examination for recruitment of — and clerks in the Government of India Secretariat and Attached Offices. 458-60.

Ratio of the number of Superintendents to — and clerks in the Government of India Offices. 1680.

**ASSISTANT ACCOUNTS OFFICER—**  
*See* "Accounts Officer(s)".

**ASSISTANT COMMISSIONER(S)—**  
 Question *re* assesses to income-tax and super-tax and — engaged in appellate work in certain provinces. 934-35.

**ASSISTANT CONTROLLERS—**  
*See* "Controller(s)".

**ASSISTANT DIVISIONAL TRANSPORTATION SUPERINTENDENT—**  
*See* "Divisional Transportation Superintendent".

**ASSISTANT EXAMINER(S)—**  
*See* "Examiner(s)".

**ASSISTANT INCOME-TAX COMMISSIONER—**  
*See* "Income-tax Commissioner".

**ASSISTANT INCOME-TAX OFFICER—**  
*See* "Income-tax Officer(s)".

**ASSISTANT SECRETARY—**  
 Question *re* creation of the post of — in the Indian Research Fund Association. 949-50.

**ASSISTANT SHIPPING MASTERS—**  
*See* "Shipping Master(s)".

**ASSISTANT STATION MASTERS—**  
*See* "Station Master(s)".

**ASSISTANT SUPERINTENDENT OF ARCHAEOLOGY—**  
*See* "Superintendent of Archaeology".

**ASSISTANT SUPERVISORS—**  
*See* "Supervisor(s)".

**ASSISTANT SURGEONS—**  
 Question *re* —  
 Grant of enhanced salaries to Hindu — with English qualifications. 1285.  
 Muslim Sub-Assistant Surgeons and — on the East Indian Railway. 1288.  
 Promotions of — and Sub— of the Indian Medical Department. 759-60.

**ASSISTANT WAY INSPECTORS—**  
*See* "Way Inspector(s)".

**ASSOCIATION(S)—**  
 Question *re* —  
 Ban on Government servants from joining the Indian Medical — as Members. 280.  
 Creation of the post of Assistant Secretary in the Indian Research Fund —. 949-50.

# **ASSOCIATION(S)—contd.**

## **Question re—**

Expenditure of the Indian Railway Conference —. 618.

Indian Research Fund — work done by the Assistant-in-Charge of the Public Health Section of the office of the Director General, Indian Medical Service. 948-49.

Reading Room Association of an Indian Railway school at Jamalpur. 1385-86.

Service Unions, —, etc., recognised by Government. 1047-51.

# **ATTACHED OFFICES—**

## **Question re—**

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and —. 460-62.

Employment of men who passed the second division Secretariat examination in certain —. 903-04.

Examination for recruitment of Assistants and clerks in the Government of India Secretariat and —. 458-60.

Holding up of confirmations of subordinates in the Government of India Secretariat and —. 758-59.  
 Location of certain — in New Delhi. 1681.

Location of some — in New Delhi. 894-95.

Muslim Superintendents in the Government of India Secretariat and —. 685.

Muslims of Bengal, Punjab and other provinces in Government of India Secretariat and —. 919-20.

Promotion of second division clerks in certain —. 901-03.

Recruitment of ministerial staff of the Government of India Secretariat and —. 930-34.

# **ATTENDANCE—**

## **Question re—**

Compulsory — of the staff of the Hissar Head Post Office on a holiday. 1379-80.

Enforcement of the — of persons at police stations by police officers. 12-15.

# **ATTORNEY(S)—**

Question *re* reports of Mr. I. M. Pekham, United States —, about the Ghadar party magazine. 457.

# **AUDIT—**

Question *re* results of the — of the accounts of architects of Nasik buildings. 786.

**AUDIT CONTROL—**

Question *re* — of furniture, etc., of the Government of India Departments. 1835-36.

**AUDIT DEPARTMENT—**

Question *re* amalgamation of clerical grades in the —, North Western Railway. 947-48.

**AUDIT OFFICES—**

Question *re* accounts in the Posts and Telegraphs Account and —. 200.

**AUDIT SERVICE—**

Question *re* examination for recruitment of Auditors in the Subordinate Railway — and clerks in the offices of the Chief Auditors and State Railways. 1014-16, 1612.

**AUDITOR(S)—**

Question *re* examination for recruitment of — in the Subordinate Railway Audit Service and clerks in the offices of the Chief — and State Railways. 1014-16, 1612.

**AUTOMATIC REPEATENT ALARM PISTOLS—**

Question *re* restrictions in Burma and Bengal for German —. 685.

**AUTUMN SESSION—**

Question *re* representation for the postponement of the — of the Legislative Assembly. 1589.

**AUXILIARY FORCE (AMENDMENT) BILL—**

*See* "Bill(s)".

**AZHAR ALI, MR. MUHAMMAD—**

Code of Criminal Procedure (Amendment) Bill—

Motions to refer to Select Committee. 395-97.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 1064-65.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1703-04, 1707.

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 167, 168, 169.

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 728.

Question *re*—

Abolition of the post of District Medical Officer on the Rohilkund and Kumaon Railway. 755.

Adh-Kumbh *Mela*, Hardwar. 1823-24, 1824-25.

**AZHAR ALI, MR. MUHAMMAD—  
contd.**

Question *re*—

Aerial bombardment at Katkai on the North-West Frontier. 753-54.

Construction of platforms and over-bridges at Mailani and Bhojpur stations on the Rohilkund and Kumaon Railway. 758.

Demotion of certain Inspectors of Crews, East Indian Railway. 1749-50.

Duty of Assistant Station Masters at roadside stations on the Rohilkund and Kumaon Railway. 755-56.

Educational grants given by the Rohilkund and Kumaon Railway. 756.

Filling up of vacancies of Sub-Heads on the East Indian Railway. 1851.

Grievances of the employees of the Rohilkund and Kumaon Railway. 755.

Half pay given to the Rohilkund and Kumaon Railway employees on sick list. 755.

*Melas* held at places in the Moradabad Division, East Indian Railway. 1824.

Memorial of the Inspectors of Crews, East Indian Railway. 1750.

Posting of European ex-soldiers with no knowledge of Railway working on the Rohilkund and Kumaon Railway. 756.

Purchase of the Rohilkund and Kumaon Railway. 757.

Railway accident at Mala, Rohilkund and Kumaon Railway. 756.

Recruitment of guards in the Moradabad Division, East Indian Railway. 1850-51.

Refusal by the Rohilkund and Kumaon Railway to supply electric power to Indian employees. 757.

Reservation of seats for soldiers in the Army Headquarters. 1449.

Rest houses at certain stations on the Rohilkund and Kumaon Railway. 757.

Seniority list of staff in the Moradabad Division, East Indian Railway. 1849-50.

Soldiers holding upper division appointments in the Army Headquarters. 1449-50.

Tenders for catering on the Rohilkund and Kumaon Railway. 756.

Unqualified persons promoted to upper division in the Army Headquarters. 1450.

**AZHAR ALI, MR. MUHAMMAD—**  
*concl'd.*

Question *re*—

Withdrawal of daily allowance of Inspectors of Station Accounts, etc., on the East Indian Railway. 1851.

Question (Supplementary) *re*—

Air bombardment on the tribal area of the North-West Frontier. 684.

Cost of the Delhi Conspiracy Case. 767.

Difficulties and hardships of pilgrims returned from Hedjaz. 11.

Mr. Gandhi's fast. 28.

Release of Mahatma Gandhi. 12.

Reserve Bank of India Bill—

Motion to refer to Joint Committee. 1406.

Workmen's Compensation (Amendment)) Bill—

Motion to consider. 67.

Consideration of clause 21. 124.

**AZIMGANJ—**

Question *re* proposed removal of an ancient shrine at — by the East Indian Railway authorities. 366.

**AZIZ HINDI, MR.—**

Question *re* representations to Government of —, a State Prisoner. 1455.

## B

**BADI-UZ-ZAMAN, MAULVI—**

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1697-1700.

**BADRINATH TEMPLE—**

Question *re* transfer of the control of the — to the Ruler of the Tehri Estate. 32, 1032-34.

**BAGCHI, H.—**

Question *re* death of one —, a detenu in the Deoli Detention Camp. 1257.

**BAGLA, LALA RAMESHWAR PRASAD—**

Question *re*—

Income from income-tax and super-tax from each Province. 1758-59.

Income since the increase in the price of the postcard. 1746-47.

Income-tax and super-tax paid by the tea-planters in Assam. 1757-58.

Platform raised by Muslim employees in the compound of the Lahore General Post Office. 954.

**BAGLA, LALA RAMESHWAR PRASAD—cont'd.**

Question *re*—

Provision of an orthodox restaurant at Cawnpore Central Station. 1758.

Re-introduction of the coupon system on the railways. 1758.

Retrenchment in the Amritsar Head Post Office. 199.

Sale of silver to Great Britain. 1113.

Selections of electrical supervisors for carrier current work in the Central Telegraph Office, Calcutta. 953.

Total value of imports and exports of India. 1112-13.

Unsuitability of the new five-rupee and ten-rupee currency notes. 1746.

**BAHAWALPUR STATE—**

Question *re* loans advanced to the — out of Indian revenues. 935-40.

**BAIL—**

Question *re*—

Non-release on — of persons arrested for offences under section 18 of the Emergency Press Act, 1931, in Delhi. 271-72.

Suspension of employees of the East Indian Railway, accused of an offence under the Indian Penal Code but released on —. 1456.

**BAIRD ROAD—**

Question *re* shops on —, New Delhi. 1108-09, 1757.

**BAJPAI, MR. G. S.—**

Ajmer-Merwara Juveniles Smoking Bill—

Motion to consider. 990.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1647-48, 1652, 1655, 1710-11.

Indian Lac Cess (Amendment) Bill—

Motion for leave to introduce. 1294-95.

Indian Medical Council Bill—

Motion to consider. 1865-69, 1876.

Consideration of—

Clause 16. 1884.

Clause 17. 1884.

Motion to pass. 1885.

Indian Tea Control Bill—

Motion for leave to introduce. 1181.

Motion to consider. 1613-15.

Motion to refer to Select Committee. 1618-19.

Consideration of Clause 21. 1626.

Motion to pass. 1626.

Resolution *re* proprietary rights of citizens in the land. 1142-1143.

**BALUCHISTAN—**

Question *re*—

Communal composition of gazetted staff in the Sind and — Postal Circle. 654-56.

Communal composition of non-gazetted staff in the Sind and — Postal Circle. 675-76.

Reduction of land revenue and grant of *Takavis* to agriculturists in Sind and —. 795.

**BAN(S)—**

Question *re* — on Government servants from joining the Indian Medical Association as Members. 280.

**BANARSI DAS, RAI RAHADUR—**

Question *re* income-tax assessed on the income of — of Ambala. 1252-53.

**BAND—**

Question *re* continuance of the East Indian Railway — at Jamalpur. 19.

**BANK(S)—**

Question *re*—

Declaration of debentures of the Central Land Mortgage — of Madras as trustee securities. 618.

Establishment of the proposed Reserve — in India. 737.

Subscribed capital of the Imperial — of India. 602.

**BANK HOLIDAYS—**

See "Holiday(s)".

**BAR(S)—**

Question *re* silver — left in stock with the Government of India after payment of the same to America as a war debt. 611.

**BAREILLY—**

Question *re* non-reservation of a compartment for ladies in the Light trains running between — Junction and Pilibhit on the Rohilkund and Kumaon Railway. 1106.

**BARISAL—**

Question *re* assault by a Gurkha Sepoy on some Professors of a — College. 1840.

**BARSUI—**

Question *re* running of special trains between — and Kishanganj on the Eastern Bengal Railway. 631.

**BASTI CHIRAGH—**

Question *re* construction of a road from Delhi to village —. 557.

**BAUDOT MISTRIES—**

See "Mistries".

**BAUDOT SUPERVISORS—**

Question *re*—

— in Telegraph Offices. 1686-87.

Examinations for — and Telegraph Masters. 952.

**BAYONET(S)—**

Question *re* entry of some soldiers of the Dorsetshire Regiment into the Dacca University Central building with fixed —. 787.

**BEGGAR(S)—**

Question *re* — on the station platforms of State Railways. 252.

**BEGGARY—**

Question *re* — in India. 251-52.

**BENARES—**

Question *re*—

Examination for the recruitment of lower division clerks held at the — City Post Office. 956.

Falling off in the number of students in the — and Aligarh Universities. 624.

**BENGAL—**

Question *re*—

— State Prisoners detained in jails of the Madras Presidency. 895.

Collieries working in — and Bihar coal-fields. 1042.

Communal composition of the gazetted staff in the — and Assam Postal Circle. 640-42.

Communal composition of the non-gazetted staff in the — and Assam Postal Circle. 661-62.

Diet allowance of certain — State Prisoners detained in jails in the Madras Presidency. 895-96.

Export of — and Bihar coal. 1043.

Income tax and Assistant Income-tax Officers appointed in —. 1451.

Income-tax Department in —. 1452-54.

Licence for Tell and Diana brand German air pistols in —. 685.

Muslims of —, Punjab and other provinces in the Government of India Secretariat and attached offices. 919-20.

Officers discharged for failure to pass departmental examination in the Income-tax Department in —. 1452.

Properties of the Nawab Nazims of — and Bihar and Orissa. 48-49.



**BENGAL—contd.****Question re—**

Proposal for the introduction of modified system of Commercial accounts in the — Cinchona Department. 615.

Ratio of — and Punjab Muslims to the Muslim population of India. 919.

Recruitment of — Muslims in services under the Government of India. 1825-26.

Restrictions in Burma and — for German automatic repeatent alarm pistols. 685.

Retrenchment in the Income-tax Department, —. 1454-55.

Saving effected by the retrenchment of seven officers in the Income-tax Department. 1454.

Sports allowance for — State Prisoners in jails of the Madras Presidency. 896-97.

**BENGAL NAGPUR RAILWAY—**

See "Railway(s)".

**BENGALI(S)—****Question re—**

-- detained without trial in Burma jails under the Burma Ordinance. 897.

-- State Prisoners confined in the Rajahmundry Jail. 1605-06.

**BERAR—**

Question re status of — in the Federal Constitution. 1671-72.

**BESANT, MRS. ANNIE—**

Expressions of regret on the death of --. 1917-20.

**BHAGALPUR—**

Question re transfer of the Supaul and Madhipura Sub-Divisions in the — District to Purnea District for Income-tax purposes. 278.

**BHARTII, MR.—**

Question re case of one — *ex-Guard*, East Indian Railway. 1336-38.

**BHAWANI DAYAL SANYASI, SWAMI—**

Question re cancellation of the passport of — to visit Fiji. 509-10.

**BHOJEEPURA—**

Question re construction of platforms and overbridges at Milani and — stations on the Rohilkund and Kumaon Railway. 758.

**BHORE, THE HONOURABLE SIR JOSEPH—**

Consideration of the Report of the Public Accounts Committee. 1921.

**BHORE, THE HONOURABLE SIR JOSEPH—contd.**

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion for leave to introduce.. 294, 295.

Motion to consider. 839-41, 842, 847, 850, 851, 853, 856, 860, 863, 1066, 1075-77.

Demand for Supplementary Grant in respect of—

"New Capital Works at Delhi". 1241.

Election of — to the Select Committee on the Amendment of Standing Orders. 783.

Expressions of regret on the death(s) of—

Mr. B. N. Misra. 1861-62.

Mrs. Annie Besant. 1919-20.

Sir Zulfikar Ali Khan and Khan Bahadur Sarfaraz Husain Khan. 50-51, 53.

Indian Dock Labourers Bill—

Motion for leave to introduce. 1771.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 980.

Indian Merchant Shipping (Second Amendment) Bill—

Motion to refer to Select Committee. 57, 59, 60-61.

Presentation of the Report of the Select Committee. 797.

Motion to consider. 1556.

Motion to pass. 1556, 1558.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 298, 301, 302, 303-05, 306, 310, 331, 472, 480, 483-87.

Consideration of clause 2. 488, 489-90, 692, 694, 695, 700, 702.

Motion to pass. 703, 708.

Indian Tea Control Bill—

Motion to refer to Select Committee. 1624, 1625.

Motion to pass. 1627.

Motion for Adjournment re—

Aerial bombardment on Kotkai in the Trans-Frontier. 551-52, 781.

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1388-89, 1421.

Reservation of appointments for minority communities. 38.

Motion re—

Dues in respect of lighthouses and buoy in British India. 1865.

Election of the Standing Committee for the Department of Commerce. 293.

**BHORE, THE HONOURABLE SIR JOSEPH—concl'd.**

**Motion re—**

Future Administration of Aden. 1718-19, 1725, 1775, 1803, 1806, 1807.

**Resolution re—**

Grievances of the travelling public on the Assam Bengal Railway. 1165.

Raising of duty on foreign cotton imports. 575-79.

Statement of Business. 196-97, 691, 1126, 1175-76, 1613.

**BHUPAL SINGH, DR.—**

Question re representations made by — and Mr. Satish Pakrashi, prisoners in the Andamans. 1600-01.

**BHUPUT SING, MR.—**

Expressions of regret on the death of Mr. B. N. Misra. 1864.

Motion re Future Administration of Aden. 1720-23, 1820.

**Question re—**

Appointment of Presidents and Members of the Tariff Board from provinces other than Bombay. 927-30.

Army Headquarters special train between Summer Hill and Simla, 347-48, 349, 352.

Audit control of furniture, etc., of the Government of India Departments. 1835-36.

Bengal State Prisoners detained in jails of the Madras Presidency. 895.

Bengalis detained without trial in Burma jails under the Burma Ordinance. 897.

Civil Surgeon in charge in Ripon Hospital in Simla. 355.

Construction of new quarters for Members of the Legislatures in New Delhi. 345-46.

Construction of quarters in New Delhi. 344-45, 346-47.

Cost of production of publications sold as waste paper on the transfer of the Central Publication Branch to Delhi. 900.

Dangerous condition of Timarpur quarters, Delhi. 1854.

Death of prisoners from hunger-strike in the Andamans. 279.

Decrease in the earning of the piece-workers of the Government of India Presses at Calcutta and Simla. 1847-48.

Deputation of men from the Military Accounts Department. 1837-38.

Devices adopted by certain persons to evade the Child Marriage Restraint Act. 252, 1485.

**BHUPUT SING, MR.—cont'd.**

**Question re—**

Diet allowance of certain Bengal State Prisoners detained in jails in the Madras Presidency. 895-96.

Dilapidated condition of the building occupied by the Indian Stores Department. 893-94.

Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 33-34.

Employment of Indians in the office of the High Commissioner for India. 1016.

Employment of men who passed the second division Secretariat examination in certain attached offices. 903-04.

Establishment of a development directorate for Old and New Delhi. 1854.

Extension given to the Establishment Officer of the Military Finance Department. 1837.

Faulty check over compositors' work in the Government of India Presses at Calcutta and Simla. 1848-49.

Fees charged for operations performed in the Ripon Hospital, Simla, on the dependants of Government servants. 353-54.

Free medical attendance by the Civil Surgeons, Simla, to Indian Government servants. 354-55.

Free railway passes allowed to Army Headquarters clerks living in private houses in Summer Hill. 351.

Grievances of the staff of the Central Publication Branch. 899-900.

Gunny bags and packing cases purchased by the Central Publication Branch. 900.

House rent charged from the Ministerial Staff of the Civil Departments. 350-51.

Illness of Professor J. C. Ghosh, a political prisoner. 1835.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1842.

Introduction of a faster train *via* Loop Line from Howrah to Delhi. 1854-55.

Introduction of Lino. Machines in the Government of India Presses. 1843-44.

Issue of new ten-rupee and five-rupee currency notes. 1385.

Lino. and Mono. Operators of the Government of India Presses. 1846-47.

Location of some attached offices in New Delhi. 894-895.

**BHUPUT SING, MR.—*contd.*****Question re—**

- Medical aid to non-gazetted Government servants. 353.
- Memorial of inkmen of the Government of India Press, Calcutta. 1844-45.
- Memorial of temporary piece-workers of the Government of India Press, Calcutta. 1845.
- Motor and Electric omnibus service in Delhi. 1354.
- Non-admission of Indians in the Walker and Portmore Hospitals in Simla. 356.
- Non-payment to piece-workers in the Government of India Presses on certain Bank holidays. 1849.
- Payment of refunds to Income-tax assesses. 278-79.
- Permission to Mr. Sailendra Nath Ghose, an Exile, to return to India. 1384-85.
- Printing Clearing Office. 1844.
- Printing of the Army Department Training Manual in private presses. 1845-46.
- Promotion of second division clerks in certain attached offices. 901-03.
- Proposal for the amalgamation of the municipalities of Old and New Delhi. 1854.
- Proposed removal of an ancient shrine at Azimganj by the East Indian Railway authorities. 366.
- Proposed shifting of the Government of India Press, Calcutta, to Delhi. 1842-43.
- Provision of a club for Indian clerks living in Summer Hill quarters. 348-49.
- Provision of electric fans for State Prisoners and detenues in the Trichinopoly jail. 896.
- Provision of facilities for free conveyance to the civilian clerks living in Summer Hill quarters. 349-50.
- Public Service Commission examination for the second division of the Secretariat. 904-05.
- Public Service Commission examination for the Secretariat. 900-01.
- Racial discrimination in the fixation of hospital charges in the Hindu Rao Hospital, Delhi. 355-56.
- Reading Room Association of an Indian Railway School at Jamalpur. 1385-86.
- Recruitment of Deputy Financial Advisers. 1835.
- Recruitment of staff on daily wages basis in the Central Publication Branch. 897-99.
- Re-payment of four per cent. Conversion Loan. 253.

**BHUPUT SING, MR.—*concl.*****Question re—**

- Re-payment of War Debts by England out of the silver reserves transhipped from India. 277-78.
- Representation for the postponement of the Autumn Session of the Legislative Assembly. 1589.
- Retention of the post of the Educational Commissioner in the future constitution of India. 252-53.
- Retrenchment of Indians employed in the office of the High Commissioner for India. 1015-16.
- Rules of hospitals under the Administration of the Government of India. 356.
- Running of a special train for civilian clerks between Summer Hill and Simla. 351-52.
- Safety of the inmates of the 'D' and 'C' type quarters in New Delhi. 905.
- Sports allowance for Bengal State Prisoners in jails of the Madras Presidency. 896-97.
- State Prisoners and detenues in jails. 897.
- State Prisoners interned in villages and detenues in the Deoli Detention Camp. 897.
- Tenders for furniture supplied to the Military Finance Department. 1836-37.
- Tenders for supply of furniture to the Zoological Survey of India. 1855.
- Transfer of the Supaul and Madhupura Sub-Divisions in the Bhagalpur District to Purnea District for Income-tax purposes. 278.

**BIHAR—****Question re—**

- Collieries working in Bengal and — coal-fields. 1042.
- Export of Bengal and — coal. 1043.
- Export of — rice. 688.

**BIHAR AND ORISSA—****Question re—**

- Communal composition of the gazetted staff in the — Postal Circle. 642-44.
- Communal composition of the non gazetted staff in the — Postal Circle. 663-64.
- Extension of certain privileges to the — and Calcutta Muslim Chambers of Commerce. 453-54.
- Properties of the Nawab Nazims of Bengal and —. 48-49.
- Retrenchment of Income-tax Officer in —. 40.
- Seats for Muslims in the — Legislative Council. 454.

**BILL(S)—**

Ajmer-Merwara Juveniles Smoking—  
Considered and passed. 990-92.

Rejected by the Council of State.  
1533.

Auxiliary Force (Amendment)—  
Assent of Governor General. 39.

Cantonments (House-Accommodation  
Amendment)—  
Passed by the Council of State.  
Laid on the table. 1055.  
Considered and passed. 1715-17.

Children (Pledging of Labour)—  
Assent of Governor General. 39.

Code of Criminal Procedure (Amend-  
ment) — (Sardar Sant Singh)—  
Motion to refer to Select Committee.  
241-44, 382-414.  
Negatived. 414.

Cotton Textile Industry Protection  
(Amendment)—  
Assent of Governor General. 39.

Cotton Textile Industry Protection  
(Second Amendment)—  
Introduced. 296.  
Motion to consider. 339-65, 1055-77.  
Passed. 1077.  
Passed by the Council of State.  
1612.

Dangerous Drugs (Amendment)—  
Introduced. 839.  
Considered and passed. 1717-18.  
Passed by the Council of State.  
1917.

Factories—  
Introduced. 1181.  
Referred to Select Committee. 1647.  
Governor General's assent to —. 38-  
39.

Hedjaz Pilgrims (*Muallims*)—  
Recommitted to Select Committee.  
1711.

Question *re*—  
Consideration of the — in the  
current Session of the Legislative  
Assembly. 600-01.

Hindu Temple Entry Disabilities Re-  
moval—  
Circulated. 241.

Hindu Widows' Right of Maintenance—  
Circulated. 969.

Imperial Bank of India (Amendment)—  
Introduced. 1294.  
Referred to Joint Committee. 1533-  
56.

Nomination of Members of the  
Legislative Assembly to the Joint  
Committee. 1771-72.

Nomination of Members of the  
Council of State to the Joint  
Committee. 1861.

**BILL(S)—contd.**

Indian Arbitration (Amendment)—

Passed by the Council of State.  
Laid on the table. 1055.  
Considered and passed. 1714-15.

Indian Coastal Traffic (Reservation)—  
Motion to continue. 415.  
Adopted. 415.

Indian Dock Labourers—  
Introduced. 1771.

Indian Finance—  
Assent of Governor General. 39.

Indian Forest (Amendment)—  
Assent of Governor General. 39.

Indian Income-tax (Amendment)—  
Presentation of the Report of the  
Committee on Petitions. 1485.

Indian Income-tax (Amendment)—  
(Amendment of section 4)—  
Assent of Governor General. 39.

Indian Income tax (Second Amend-  
ment)—  
Considered and passed. 708-15.  
Passed by the Council of State. 1175.

Indian Income tax (Third Amend-  
ment) —  
Introduced. 56.

Referred to Select Committee. 718.  
Indian "Khaddar" (Name Protection)—  
Referred to Select Committee. 987.

Indian Lac Cess (Amendment)—  
Introduced. 1294-95.

Indian Marine (Amendment)—  
Assent of Governor General. 39.

Indian Medical Council —  
Considered and passed. 1883-85.  
Indian Merchant Shipping (Amend-  
ment) —  
Assent of Governor General. 39.

Indian Merchant Shipping (Second  
Amendment)—  
Referred to Select Committee. 61.  
Presentation of the Report of the  
Select Committee. 797.

Considered and passed. 1556-58.  
Passed by the Council of State. 1860.

Indian Petroleum—  
Introduced. 55.  
Circulated. 715-16.

Indian Railways (Amendment)—  
(Amendment of section 51) —  
Motions to consider, to re-circulate  
and to recommit to Select Com-  
mittee. 298-334, 466-87.

Motion to consider adopted. 487.  
Consideration of clauses 487-91, 692,  
703.

Passed. 708.  
Passed by the Council of State. 1175.

Indian States (Protection)—  
Introduced. 294.

Motions to refer to Select Committee  
and to circulate. 1077-94, 1182-  
1224, 1225-28.

Circulated. 1228.

**BILL(S)—*contd.*****Indian States (Protection)—*contd.***

Point of order raised by Mr. D. K. Lahiri Chaudhry, during the discussion of the motion to refer the — to Select Committee, whether the proposed measure was not *ultra vires* of the Indian Legislature on the ground that its jurisdiction was not only confined to India but also extended to parts which were beyond British India, as set forth in clause 2. 1078.

Point of order raised by Mr. H. P. Mody as to whether clause 3 is in order as it seeks to interpolate into section 121A of the Indian Penal Code an addition to the armoury of the law which makes it possible for a British Court to deal with offences committed against the Administration of an Indian State in the State itself. 1084.

**Indian Tariff (Amendment)—**

Assent of Governor General. 39.

Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment. —

Assent of Governor General. 39

**Indian Tea Control—**

Introduced. 1182.

Considered and passed. 1613-27.

Passed by the Council of State. 1860.

**Indian Wireless Telegraphy—**

Considered and passed. 718-22.

Passed by the Council of State. 1175.

**Land Acquisition (Amendment)—**

Considered and passed. 723-24.

Passed by the Council of State. 1175.

**Murshidabad Estate Administration—**

Referred to Select Committee. 728.

Presentation of the Report of the Select Committee. 1121.

Consideration of—

Clause 3. 1559-65.

Clause 4. 1565-70.

Clause 7. 1571-72.

Clause 10. 1572-73.

Clause 11. 1573-74.

Clause 20. 1575-76.

Clause 22. 1577-78.

Passed. 1588.

Passed by the Council of State. 1860.

**Negotiable Instruments (Amendment) Bill—**

Referred to Select Committee. 1714.

**Provincial Criminal Law Supplementing)—**

Assent of Governor General. 39.

Removal of Doubts about the Application of the Doctrine of Representation, in case of succession to Stridhan, under the Dayabhag—

Motions to consider and to circulate. 987-90.

Circulated. 990.

**BILL(S)—*concl'd.*****Reserve Bank of India—**

Introduced. 1180.

Referred to Joint Committee. 1531.

Nomination of Members of the Legislative Assembly to the Joint Committee. 1771.

Nomination of Members of the Council of State to the Joint Committee. 1860-61.

**Safeguarding of Industries—**

Assent of Governor General. 39.

Salt Additional Import Duty (Extending)—

Assent of Governor General. 39.

**Untouchability Abolition—**

Motions to refer to Select Committee and to circulate. 992-1001.

**Wheat Import Duty (Extending)—**

Assent of Governor General. 39.

Workmen's Compensation (Amendment)—

Consideration of clauses and Schedules. 61-68, 69-86, 116-46, 297.

Passed. 298.

Passed by the Council of State. 1055.

**BINDER(S)—**

Question *re* position of compositors and — after the amalgamation of the East Indian and Eastern Bengal Railway Presses. 1346-47.

**BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION—**

Question *re* Secretary to the — Rajputana and Central India. 291.

**BOGIE(S)—**

Question *re*—

Derailment of an engine and some — near Chiniot, North Western Railway. 1259.

Running of a through — between Lucknow and Bombay. 1828.

Running of a through — between two stations. 1256.

Through — between certain stations. 1255-56.

**BOMBARDMENT—**

Motion for Adjournment *re* aerial — on Kotkai in the Trans-Frontier. 551-55, 780-83, 865-83.

Question *re*—

Aerial — at Kotkai on the North-West Frontier. 753-54.

Air — on the tribal area of the North-West Frontier. 679-84, 769, 1034.

— of certain villages of independent tribes on the North-West Frontier by British aeroplanes. 738.

**BOMBAY--**

**Question re--**

Allegations against the police in Calcutta and —. 1739-42.

Appointment of Presidents and Members of the Tariff Board from provinces other than —. 927-30.

Certain posts in each Postal Division of the — Circle. 1682-83.

Communal composition of the gazetted staff in the — Postal Circle. 644-46.

Communal composition of the non-gazetted staff in the — Postal Circle. 665-66.

Frauds committed by the departmental and extra-departmental staff in the — Postal Circle. 1473-74.

Non-admission of Indians to the Prince of Wales Seamen's Institute. —. 1267.

Non-maintenance of the record of poor box collections made on various ships by the Shipping Office —. 197.

Overseer and sorting postmen under the control of the Presidency Postmaster. —. 1473.

Postal Officials officiating in the — Postal Circle. 1103-04.

Running of a through bogie between Lucknow and —. 1823.

Survey of the Karachi — proposed broad gauge line. 1667-68.

**BOMBAY, BARODA AND CENTRAL INDIA RAILWAY—**

See "Railway(s)".

**BOMBAY CHRONICLE —**

Question re article in the — under the heading "Great Indian Peninsula Railway and workers". 1612.

**BOMBAY PRESIDENCY—**

Question re recruitment of members of minority communities in the Post Offices and Railway Mail Services in the —. 1472-73.

**BONE-CRUSHER—**

Question re improvement in the design of a —. 950

**BONUS—**

Question re — paid to policy holders by postal insurance. 1765.

**BOOK(S)—**

Question re non-supply of certain — to State Prisoners confined in the Damoh Sub-Jail. 284.

**BOOK DEPOT—**

Question re Central —, Calcutta. 1475.

**BOOKING OFFICE(S)—**

Question re non-sale of monthly tickets at station — on the Kalka Simla Railway. 914.

**BOSE, MR. SUBHAS CHANDRA—**

**Question re—**

Non-grant of a passport to — to visit England. 178.

Presidential speech of — in the recent political conference in London. 255-56.

**BOSE, RASH BEHARI—**

Question re prohibition of the entry into India of publications by —. 359-60.

**BOWER, MR. E. H. M.—**

Oath of Office. 1.

**Question re--**

Certain posts in the Rates and Claims offices of the Commercial Department of the East Indian Railway. 1456-57.

Consolidated allowances paid on the East Indian Railway. 1352-53.

Cut in the consolidated allowance of Travelling Ticket Examiners on the East Indian Railway. 1351-52.

Discharge of certain peons attached to Travelling Ticket Inspector section on the East Indian Railway. 1354.

Irregularities in charging salaries of the subordinates on the East Indian Railway. 1752.

Provision of facilities of accused subordinates in departmental enquiries on the East Indian Railway. 1457-58.

Provision of facilities of accused subordinates in departmental enquiries on the Eastern Bengal Railway. 1458.

Rules for determination of seniority of the subordinate staff on the East Indian Railway. 1457.

Rules for recruitment and training of subordinate staff on the East Indian Railway. 1751-52.

Rules governing departmental enquiries on State Railways. 1458.

Salaries of East Indian Railway employees on the transfer of that Railway from Company-management. 1611.

Seniority list maintained on the East Indian Railway. 1753.

Surrender of the post of Transportation Inspector, Commercial, on the East Indian Railway. 1753.

Suspension of employees of the East Indian Railway, accused of an offence under the Indian Penal Code but released on bail. 1456.

Ticket frauds on railways. 1353-54.

Travelling without tickets on railway trains. 1353.

**BOWER, MR. E. H. M.—contd.****Question re—**

Welfare scheme on the East Indian and Eastern Bengal Railways. 1455-56.

Welfare schemes on the East Indian Railway. 1753.

Withholding of appeals addressed to the Railway Board. 1611-12.

**BOYCOTT—**

Question *re* — of Indian cotton by Japan. 256-57.

**BRAHMAN(S)—**

Question *re* appointment of Adya Gaud — in the Currency Note Press, Nasik. 785.

**BRANCH LINE(S)—**

Question *re* night duty of Assistant Station Masters on certain — of the East Indian Railway. 633.

**BRAZIL—**

Question *re* exploration of the possibility of making —, British Guiana, or some other places as a possible outlet for the South African Indians. 105.

**BREACH OF TRUST—**

Question *re* rules for suing Government for — in respect of service conditions, etc. 1658.

**BRIDGE(S)—****Question re—**

Construction of a — on a canal between Moghalpura and Lahore on the North Western Railway. 1008-10.

Construction of the new Narbada — on the Bombay, Baroda and Central India Railway. 272, 379-80.

**BRIJ KISHORE, RAI BAHADUR LALA—**

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 393-94.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 963-64.

**Question re—**

Action taken on the memorials of the employees of the East Indian and Eastern Bengal Railway Presses. 1347.

Demotion and reduction in salaries of the industrial staff in the Eastern Bengal Railway Press. 1346.

Discontinuance of the privilege of allowing free passes to the compositors of the East Indian Railway Press. 1344-45.

Level crossing on either side of the Railway station at Unao. 464-65.

**BRIJ KISHORE, RAI BAHADUR LALA—contd.****Question re—**

Memorial from certain employees of the East Indian and the Eastern Bengal Railway Presses. 1343.

Pay of compositors of the Eastern Bengal Railway Press. 1345.

Position of compositors and binders after the amalgamation of the East Indian and Eastern Bengal Railway Presses. 1346-47.

Promotion of Indian Assistant Station Masters to the posts of Platform Assistants on the East Indian Railway. 465-66.

Purchase of certain machines by the East Indian Railway Press. 1342-43.

Purchase of time-recorder machines by the East Indian Railway Press. 1341-42.

Resolutions passed by the employees of the East Indian and Eastern Bengal Railway Presses. 1345.

Retrenchment among the industrial staff of the Eastern Bengal Railway Press. 1345-46.

Retrenchment in the East Indian Railway Press. 1339-41.

Retrenchments and reductions in the operative staff of the East Indian Railway Press. 1343-44.

Sale of waste paper in the East Indian Railway Press. 1342.

Seniority of East Indian Railway and Old Oudh and Rohilkhand Railway staff. 1350-51.

Staff of the Eastern Bengal Railway Press. 1344.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1506-07.

Resolution *re* proprietary rights of citizens in the land. 1126-29, 1151.

**BRITISH CLERK(S)—**

See "Clerk(s)".

**BRITISH GUIANA—****Question re—**

Amelioration of the condition of Indian education in —. 1006.

Exploration of the possibility of making Brazil. — or some other places as a possible outlet for the South African Indians. 105.

**BRITISH INDIA—**

Question *re* service of European Indian Civil Service or other Officers lent to places outside —. 935, 1768-71.

**BRITISH INDIA STEAM NAVIGATION COMPANY—**

Question *re* allegations against the —. 373-75.

**BROACH JAMBUSAR RAILWAY—**

See "Railway(s)".

**BROAD-GAUGE—**

Question *re* survey of the Karachi-Bombay proposed — line. 1667-68

**BUILDING(S)—**

Question *re—*

Amounts contributed by the Bengal Nagpur Railway for the construction of the — of certain Indian schools. 1478.

— in the Ambala Cantonment. 795.  
Contracts for — and supplying goods, etc., in the Government Forms Press, Aligarh. 1289.

Contribution by the Government of India to certain Provincial Governments for construction of Government —. 290.

Damage due to excessive rainfall to certain articles in the Council House — in New Delhi. 514-15.

Dilapidated condition of the — occupied by the Indian Stores Department. 893-94.

Entry of some soldiers of the Dorsetshire Regiment into the Dacca University Central — with fixed bayonets. 787.

Results of the audit of the accounts of architects of Nasik —. 786.

School — on the Ridge at New Delhi. 1261-62.

Structure of the Madras General Post Office —. 1173.

Want of proper lavatory arrangement in the Madras General Post Office —. 1174.

**BUILDING SUPERVISOR—**

Question *re* alleged embezzlements by the — of the Viceregal Lodge, New Delhi 505.

**BULLION—**

Question *re—*

Gold — in reserve in the Currency. 601.

Silver — in reserve in the Currency. 602.

**BUNGALOW(S)—**

Question *re—*

Forcible acquisition of a — by Military Estate Officer in Peshawar. 1754.

Suits instituted by Government for the declaration of their proprietary rights in respect of certain sites and — in the Rawalpindi Cantonment. 1470-71.

**BUOY—**

Motion *re* dues in respect of lighthouses and — in British India. 1865.

**BURGE, MR.—**

Question *re* assassination of —, District Magistrate of Midnapore. 778-79.

**BURMA—**

Question *re—*

Bengalis detained without trial in — jails under the — Ordinance. 897.  
Communal composition of the gazetted staff in the — Postal Circle. 646-48.

Communal composition of the non-gazetted staff in the — Postal Circle. 667-68.

Restrictions in — and Bengal for German automatic repeating alarm pistols. 685.

Separation of —. 104.

**BUSINESS—**

See "Statement of Business".

**C**

**CABLE—**

Question *re* — repair work on the Traction Department, Great Indian Peninsula Railway. 1860.

**CADET(S)—**

Question *re—*

Admission of Indian Officers and — in the Prince of Wales Seamen's Institute. 1670.

Enlistment of 'Y'—. 428-30.

**CADRE(S)—**

Question *re—*

Removal of surplus posts in the Engineering — of the Great Indian Peninsula Railway. 340.

Separation of the different — of each railway. 340-41.

Surplus posts in superior — on the Great Indian Peninsula Railway. 338-39.

**CAIRO—**

Question *re* International Postal Conference to be held at —. 1447-48.

**CALCUTTA—**

Question *re—*

Abolition of the appointments of the Deputy and Assistant Shipping Masters in —. 198.

Absence of Muslim Officers in the — Port Trust. 546-47, 1766.

Abuse of discretionary powers vested in the Income-tax Officers at —. 1471.

Acquittal of Mr. Nikhil Ranjan Guha Roy by the — High Court. 1606-07.

Allegations against certain serjeants during the Congress Session in —. 184-85.

Allegations against the — Port Trust. 1832-33, 1833-34.



CALCUTTA—*contd.*

## Question re—

- Allegations against the Military in —. 172-75.
- Allegations against the police in — and Bombay. 1739-42.
- Allegations of assault made on the Congressmen after their arrest in —. 21-26.
- Alleged assault on the people at the Esplanade tram-shed in —. 114-16.
- Amount of Income-tax collected in —. 1472.
- Amount spent by the — Port Trust on the purchase of materials in India. 1021-22.
- Amount spent on the salaries and allowances of the officers under the — Port Trust. 547, 1766.
- Assessment of income-tax in —. 1472.
- Central Book Depot, —. 1475.
- Decrease in the earning of the piece-workers of the Government of India Presses at — and Simla. 1847.
- Denial to railway subordinates of Moradabad of the privilege of seeing officers at —. 796.
- Economy and retrenchment in the — Port Trust. 1833, 1834-35.
- Expenditure incurred on the transmission of publications from the Government of India Press, —, to the Central Publication Branch, Delhi. 433.
- Extension of certain privileges to the Bihar and Orissa and — Muslim Chambers of Commerce. 453-54.
- Faulty check over Compositors' work in the Government of India Presses at — and Simla. 1848-49.
- Increase in the number of Muslim Judges in the — High Court. 907.
- Indian Railway Gazette of —. 630-31.
- Keeping of the — High Court in the new Constitution on different footing from that of other High Courts. 750.
- Memorial of inkmen of the Government of India Press, —. 1844-45.
- Memorial of temporary piece-workers of the Government of India Press —. 1845.
- Persons arrested released and prosecuted in connection with the holding of the Congress Session in —. 20.
- Petition for the transfer of Mr. Mahendra Nath Roy from the Deoli Detention Camp to —. 921.

CALCUTTA—*concl.*

## Question re—

- Petitions filed under section 27 of the Indian Income-tax Act in —. 1471.
- Proposed shifting of the Government of India Press, —, to Delhi. 1842-43.
- Prosecution of certain officials of the Central Telegraph Office, —, for divulging the contents of telegrams regarding races. 1365-66.
- Recruitment of Muslims in the — Port Trust. 548-49, 1766-67.
- Recruitment of staff in the — Port Trust. 1767.
- Reduction in the income of the Commissioners for the Port of —. 1021.
- Rejection of applications for appointments from the sons and relatives of postal officials of the — General Post Office. 1386.
- Replacement of selection grade Town Inspectors of Post Offices at — by time-scale men. 1387.
- Resolutions passed by the Indian National Congress held in —. 19-30.
- Retention in — of Babu Aswini Kumar Chowdhury, Town Inspector of Post Offices. 1386-87.
- Retrenchment in the — Port Trust. 625-26.
- Retrenchment of staff in the — Port Trust. 549.
- Revenue earned at the docks by the — Port Trust. 626-28.
- Selections of electrical supervisors for carrier current work in the Central Telegraph Office, —. 953.
- Stores purchase policy of the — Port Trust. 625, 1171.
- Sufferings of deck passengers coming from Rangoon to — due to overcrowding. 426.
- Technical apprentices in the — Port Trust workshops. 1022.
- Voluntary retirement of Muslim employees of the — Port Trust. 549, 1767.

## CALIFORNIA—

- Question re murder of one Sardar Sher Singh in —. United States of America. 360, 456-57.

## CANAL—

- Question re construction of a bridge on a — between Moghalpura and Lahore on the North Western Railway. 1008-10.

## CANAL COLONIES—

- Question re horse-breeding in the Jhelum —. 518-519, 522-24.

**CANDIDATE(S)—**

Question *re*—

Preference to *ex*-approved — in the Postal Department in making appointments. 1103.

Refund of fees to certain — not permitted to appear at the Ministerial Service Examination of the Public Service Commission. 1354-55.

**CANTONMENT(S)—**

Question *re*—

Buildings in the Ambala —. 795.  
— in India. 611-12.

Creation of an All-India cadre for the civilian Executive Officers of —. 613.

Executive Officers of — in India. 612.

Grants-in-Aid to Local Bodies in the —. 512-13.

Proposed demolition of certain houses in the Secunderabad —. 686-87.

Suits instituted by Government for the declaration of their proprietary rights in respect of certain sites and bungalows in the Rawalpindi —. 1470-71.

**CANTONMENT AUTHORITIES—**

Question *re* withdrawal from — the management of class 'B' land and entrusting the same to the Military Estates officers. 612-13.

**CANTONMENT BOARD—**

Question *re*—

Annual Administration Report of the Lahore —. 512.

Free supply of water to the Lahore — for watering roads. 511.

Inadequate representation of Muslims on the —, Poona. 1830.

Rate of electric energy supplied by Military Engineering Services to the Lahore —. 510-11.

Rights and duties of the Vice-President of a —. 499.

Transfer of certain roads from the Military Engineering Services to the Lahore —. 511-12.

**CANTONMENTS (HOUSE ACCOMMODATION AMENDMENT) BILL—**

See "Bill(s)".

**CAPITAL—**

Question *re* subscribed — of the Imperial Bank of India. 602.

**CAPITATION CHARGES—**

Question *re* decisions of the Tribunal on —. 617.

**CARRIAGE(S)—**

Question *re*—

Provision of fans in third class — on Railways. 1114.

**CARRIAGE(S)—*contd.***

Question *re*—

Use of an officer's — for joy rides under orders of the Divisional Superintendent, Moradabad Division, East Indian Railway. 1462.

**CARRIAGE AND WAGON SHOP(S)—**

Question *re*—

Qualifications of chargemen in the —, North Western Railway, Moghalpura. 946.

Suspension and discharge of certain chargemen in the —, Moghalpura, North Western Railway. 946-47.

**CARRIER CURRENT WORK—**

Question *re* selections of electrical supervisors for — in the Central Telegraph Office, Calcutta. 953.

**CASUALTIES—**

Question *re* — due to rash driving in New Delhi and Delhi City. 39.

**CATERING—**

Question *re* tenders for — on the Rohilkund and Kumaon Railway. 756.

**CAWNPORE—**

Question *re* provision of an orthodox restaurant at — Central Station. 1758.

**CELLULAR JAIL—**

Question *re*—

— in the Andamans. 336.

Conditions of the health of certain political prisoners in the —, Andamans. 361-62.

Reply of telegrams enquiring about the health of political prisoners in the —, Andamans. 362-63.

See also "Jail(s)".

**CENSORSHIP—**

Question *re*—

— of cinematograph films. 737-38, 925.

— of the correspondence of political prisoners. 283-84.

**CENTRAL BOARD OF REVENUE—**

Question *re* income-tax circulars issued by the —. 1472.

**CENTRAL BOOK DEPOT—**

Question *re* —, Calcutta. 1475.

**CENTRAL CIPHER BUREAU—**

Question *re* Indianisation of the — of the Foreign and Political Department. 1591-95, 1842.

**CENTRAL INDIA—**

Question *re*—

Expenditure on Inspectorate in the Administered Areas in —. 556.

Secretary to the Board of High School and Intermediate Education, Rajputana and —. 291.

**CENTRAL INDIA—contd.**Question *re*—

Transfer of the Assistant Superintendent of Archaeology, — and Rajputana, to some other Circle. 1857.

**CENTRAL JAIL(S)—**

See "Jail(s)".

**CENTRAL LEGISLATURE—**

Question *re* nomination of a Moplah Member of the — to the Committee to be formed for arranging the constituencies of the Federal Assembly. 635.

**CENTRAL POSTAL CIRCLE—**Question *re*—

Communal composition of the gazetted staff in the —. 648-50.

Communal composition of the non-gazetted staff in the —. 669-70.

**CENTRAL PUBLIC WORKS DEPARTMENT—**

See "Public Works Department".

**CENTRAL PUBLICATION BRANCH—**Question *re*—

Acute distress of the staff of the — on account of the bursting of monsoon. 370.

Alleged mismanagement of the —. 1474.

Clerical duties done by the record suppliers in the —. 1477.

Cost of production of publications sold as waste paper on the transfer of the — to Delhi. 900.

Difficulties of the staff of the — due to its transfer to Delhi. 368-69.

Discharge of temporary staff of —. 366-67.

Disposal of certain publications as waste paper on the eve of the transfer of the — to Delhi. 430-33.

Expenditure incurred on the transmission of publications from the Government of India Press, Calcutta, to the —, Delhi. 433.

Grievances of the staff of the —. 899-900.

Gunny bags and packing cases purchased by the —. 900.

Insolvency of Mr. James Rowland Hopper, an employee of the —. 1475-76.

Mitigation of the hardships of the staff of the —. 371-72.

Non-grant of advance increments to the staff of the — on their transfer to Delhi. 367-68.

Position of temporary clerks in the —. 1476-77.

Recruitment of staff on daily wages *lasis* in the —. 897-99.

**CENTRAL PUBLICATION BRANCH—contd.**Question *re*—

Recruitments made in the —. 1476.  
Salaries drawn by the non-gazetted staff of the —. 369-70.

Sanction of additional staff for the — to cope with the work connected with the transfer of the Patent Office Specifications. 434.

Scheme of reorganisation of the —. 1476.

Use of office lorry by the Manager. —. 1475.

**CENTRAL TELEGRAPH OFFICE—**

See "Telegraph Office(s)".

**CERTIFICATE(S)—**Question *re*—

— of sickness produced by the North Western Railway employees. 796.

Possession of a diploma or — in the Hindi language by the Superintendent of Education, Delhi. 555.

**CEYLON—**

Question *re* dumping of — copra into India. 1047.

**CEYLONESE DEPUTATION—**

See "Deputation(s)".

**CHAIRMEN—**

Nominations to the Panel of —. 462.

**CHAMBER(S) OF COMMERCE—**

Question *re* extension of certain privileges to the Bihar and Orissa and Calcutta Muslim —. 453-54.

**CHAMBER OF PRINCES—**

Question *re* expenditure on the — from the Indian revenues. 190-91.

**CHANDAUSI—**Question *re*—

Advertisement for probationers for certain posts at the Railway School, —. 743-44.

Issue of duty passes for his private servant by the Superintendent Railway School of Transportation —. 1461-62.

Re-organisation of the Railway School at —, East Indian Railway 466.

Retrenchment of Anglo-Indians by the Superintendent, Railway School of Transportation, — 1480.

**CHANDI MAL GOLA, BHAGAT—**

Question *re* confirmation of Assistant Controllers on the North Western Railway. 381-82.

**CHANDRA, MR.—**

Question *re* allegations against — Archaeological Superintendent Poona. 1856-57.

**CHARAS—**

Question *re—*

Heavy traffic of cocaine and — in Delhi. 504-05.

License fees for — shops in Delhi. 41.

**CHARGEMAN(EN)—**

Question *re—*

Promotion to the rank of — at the Cordite Factory, Aravankadu. 1743-44.

Qualifications of — in the carriage and Wagon Shops, North Western Railway, Moghalpura. 946.

Suspension and discharge of certain — in the Carriage and Wagon Shops, Moghalpura, North Western Railway. 946-47.

**CHATARJI, MR. J. M.—**

Oath of Office. 1.

**CHATTERJEE, MR. JIVAN LALL—**

Question *re—*

Application for transfer from the Rajahmundry Jail of State Prisoners, Messrs. Surendra Mohan Ghosh and —. 517-18.

Condition of State Prisoners, Messrs. Surendra Mohan Ghosh and —. 517.

Illness of Messrs. Benoyendra Nath Roy Chowdhury and —. 518.

**CHECKERS—**

Question *re* grant of pension to — of the Indian Army Service Corps. 1293.

**CHETTIARS—**

Question *re* expulsion of certain — from Indo-China. 1030-32.

**CHIEF ACCOUNTS OFFICE—**

Question *re* retrenchment in the — of the North Western Railway. 559.

**CHIEF ACCOUNTS OFFICER—**

Question *re* discharge of certain Hindu clerks from the office of the —, North Western Railway. 1668-70.

**CHIEF AUDITORS—**

Question *re* examination for recruitment of Auditors in the subordinate Railway Audit Service and clerks in the offices of the — and State Railways. 1014-16.

**CHIEF COMMISSIONER—**

Question *re—*

Appointment of a Financial Adviser to the —, Andamans. 536.

Geneological table of the Delhi Royal family prepared by the — of Delhi. 41-47.

**CHIEF COURTS—**

Question *re* communal composition of the judges of High Courts and —. 906.

**CHIEF ENGINEER—**

Question *re—*

Muslim draftsmen retrenched from the Office of the —, Survey and Construction, North Western Railway. 380.

Sindhi Hindus discharged from the Office of the —, Survey and Construction, North Western Railway. 380

**CHIEF MEDICAL OFFICER—**

See "Medical Officer".

**CHILD(REN)—**

Question *re* travelling of — of European clerks by the special train running between Summer Hill and Simla. 918-19.

Resolution *re* Draft Convention and Recommendation concerning the age for admission of — to non-industrial employment. 1885-96.

**CHILD MARRIAGE RESTRAINT ACT—**

See "Act(s)".

**CHILDREN (PLEDGING OF LABOUR) BILL—**

See "Bill(s)".

**CHIMMAN LAL, RAI BAHADUR LALA—**

Oath of Office. 2.

**CHINIOT—**

Question *re* derailment of an engine and some bogies near —, North Western Railway. 1259.

**CHINYO, MR. RAHIMTOOLA M.—**

Question *re* representation of the travelling public at the Rail-Road Conference held at Simla. 1019-21.

**CHOLA POWER HOUSE—**

Question *re* staff of the —, Great Indian Peninsula Railway. 1859.

**CHOWDHURY, BABU ASWINI KUMAR—**

Question *re* retention in Calcutta of —, Town Inspector of Post Offices. 1386-87.

**CINCHONA DEPARTMENT—**

Question *re* proposal for the introduction of modified system of Commercial accounts in the Bengal —. 615.

**CINEMATOGRAPH FILM(S)—**

Question *re* censorship of —. 737-38.

See also "Film(s)".

**CITIZENS—**

Resolution *re* proprietary rights of — in the land. 1126-51.

**CITY MAGISTRATE(S)—**

See "Magistrate(s)".

**CITY WALL—**

Question *re* dangerous condition of the — of Delhi. 629.

**CIVIL AND CRIMINAL COURTS—**

Question *re* professional representation in the — of Quetta. 180-82.

**CIVIL AVIATION—**

Demand for Supplementary Grant. 1897-1908.

**CIVIL DEPARTMENTS—**

Question *re* house rent charged from the Ministerial Staff of the —. 350-51.

**CIVIL DISOBEDIENCE MOVEMENT—**

Question *re*—

Persons in jail in connection with the — or other political movements. 443.

Persons whipped in connection with the —. 15-16.

Suspension of the —. 91-92.

**CIVIL HOSPITAL—**

See "Hospital".

**CIVIL SERVICE, INDIAN—**

See "Indian Civil Service".

**CIVIL SURGEON(S)—**

Question *re*—

— in charge of the Ripon Hospital in Simla. 355.

Free medical attendance by the —, Simla, to Indian Government servants. 354-55.

**CIVILIAN CLERK—**

See "Clerk(s)".

**CLAIM(S)—**

Question *re*—

— of the Posts and Telegraphs Department against the Railways. 617.

Payment of death — by the Postal Insurance Fund. 1361-62

**CLAIM(S) CLERK(S)—**

See "Clerk(s)".

**CLAIMS OFFICE—**

Question *re* certain posts in the Rates office and — of the Commercial Department of the East Indian Railway. 1456-57.

**CLASSIFICATION(S)—**

Question *re* — in jail of Indian prisoners. 1376-77.

**CLERICAL GRADES—**

Question *re* amalgamation of — in the Audit Department, North Western Railway. 947-48.

**CLERICAL JOB—**

Question *re* deputation of a medical man for a — in the Office of the Medical Officer, Lahore. 1287-88.

**CLERICAL STAFF—**

Question *re*—

— of the Currency Offices in India. 754-55.

Communal composition of the — in the Military Grass and Dairy Farms. 1014.

Representation of Muslims in the — of the Military Engineering Service, Western Command, Quetta. 686.

**CLERK(S)—**

Question *re*—

Admission fee for the examination for recruitment of Assistants and — in the Government of India Secretariat and Attached Offices. 460-62.

Allegations against a — in the Office of the Controller of Railway Accounts. 178-79.

Allegations against the Head —, Government Forms Press, Aligarh. 1289-90.

Alleged falsification of accounts by a — of the Office of the Director, Telegraph Engineering, Eastern Circle. 1368-69.

Appointment of qualified — as Sub-Heads on the East Indian Railway. 1356.

Arrangements for medical treatment of Indian — in New Delhi. 1755.

— employed on work connected with hours of employment regulations on the North Western Railway. 1674-75.

Communal composition of — in the Medical Department, North Western Railway. 1286.

Communal composition of the — in the Deputy Commissioner's Office, Delhi. 941.

Confirmation of certain — on the North Western Railway. 559-60.

Discharge of certain Hindu — from the office of the Chief Accounts Officer, North Western Railway. 1668-70.

Dismissal of one B. Ghulam Muhammad, a — in the Office of the Chief Medical Officer, North Western Railway. 1287.

Duties of the Head — to a Superintendent of Post Offices. 1448.

Duty system of telegraphists and signal room —. 1367.

Examination for lower division postal — held at Delhi. 954.

CLERK(S)—*contd.*

Question *re*—

- Examination for recruitment of Assistants and — in the Government of India Secretariat and Attached Offices. 458-60.
- Examination for recruitment of Auditors in the subordinate Railway Audit Service and — in the offices of the Chief Auditors and State Railways. 1014-16, 1612.
- Examination for recruitment of postal —. 37.
- Examination for the recruitment of lower division — held at the Benares City Post Office. 956.
- Free railway passes allowed to Army Headquarters clerks living in private houses in Summer Hill. 351.
- Grant of house rent to — unwilling to occupy Summer Hill quarters. 1469-70.
- Non-recruitment of Muslim — in the office of the Divisional Engineer, Telegraphs, New Delhi. 955-56.
- Officers and — in the Military Engineering Service, Western Command, Quetta. 686.
- Passes for free conveyance of Army Headquarters — between Summer Hill and Simla. 914-16.
- Pay of — of the Indian Army Service Corps. 1293.
- Permanent — working in the Sub-Registrar's Office, Delhi. 941.
- Permission to postal reserve — to appear for confirmation examination. 1104.
- Placing of certain — on special duty in the office of the Agent, North Western Railway. 49-50.
- Position of temporary — in the Central Publication Branch. 1476-77.
- Postal — in each Postal Circle. 541, 953.
- Promotion of — in the East Indian Railway Accounts Department. 1054.
- Promotion of second division — in certain attached offices. 901-03.
- Provision of a club for Indian — living in Summer Hill quarters. 348-49, 1467.
- Provision of facilities for free conveyance to the civilian — living in Summer Hill quarters. 349-50, 1468-69, 1470.
- Public Service Commission examination for recruitment of — for the Government of India. 1834.
- Qualifications for appointment as Chief Claims — in the office of the Deputy Chief Commercial Manager, East Indian Railway. 452.

CLERK(S)—*contd.*

Question *re*—

- Ratio of the number of Superintendents to Assistants and — in the Government of India Offices. 1680.
- Recruitment of qualified — as Accountants in the East Indian Railway Accounts Department. 292.
- Refusal to allow Army Headquarters Indian — living in private houses to travel by the special train running between Summer Hill and Simla. 918.
- Replacement of British — at the Headquarters of Commands of the Indian Army by Indian —. 277.
- Running of a special train for civilian — between Summer Hill and Simla. 351-52.
- Sindhi and Non-Sindhi — in the late Construction office, North Western Railway. 1675.
- Success of a non-matriculate temporary — of the Railway Board's Office in the Public Service Commission stenographers' examination. 1098-99.
- Travelling of children of European — by the special train running between Summer Hill and Simla. 918-19.
- Welfare — in the Railway Workshops at Sukkur. 1675.

CLIVE SQUARE—

- Question *re* defects in certain quarters of Lake and — in New Delhi. 1281-82.

CLOSER UNION—

- See "Union(s)".

CLOW, MR. A. G.—

Factories Bill—

- Motion to refer to Select Committee. 1633, 1642, 1644-46.
- Resolution *re* Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1893.
- Workmen's Compensation (Amendment) Bill—
- Consideration of clause 2. 71, 72, 77-78, 80, 81, 120, 125-26, 131-32, 133, 140, 297.

CLUB(S)—

Question *re*—

- Provision of a — for Indian clerks living in Summer Hill quarters. 348-49, 1467.
- Quetta —. 1125-26.

**COAL—**

- Question *re*—  
     — raised in India. 1042-43, 1693.  
     Export of Bengal and Bihar —.  
     1043.  
     Lower scale of Railway freight on  
     — from Pench and Chanda  
     Valley collieries. 1044.  
     Withdrawal of surcharge on —.  
     1043-44.

**COAL FIELD(S)—**

- Question *re* collieries working in  
     Bengal and Bihar —. 1042.

**COASTAL TRADE—**

- Question *re* participation of Indian  
     shipping in the — and overseas  
     trade of India. 1265-67.

**COASTAL TRAFFIC (RESERVA-  
TION) BILL—**

- See "Indian —" under "Bill(s)".

**COCAINE—**

- Question *re* heavy traffic of — and  
     *charas* in Delhi. 504-05.

**CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL—**

- See "Bill(s)".

**COINAGE—**

- Question *re* loss on — in the Currency  
     Department. 604.

**COLLEGE(S)—**

- Question *re*—  
     Assault by a Gurkha sepoy on some  
     Professors of a Barisal —. 1840.  
     Teaching staff of the Royal Indian  
     Military —, Dehra Dun. 1373-75.

**COLLIERY(IES)—**

- Question *re*—  
     — working in Bengal and Bihar  
     coal-fields. 1042.  
     Lower scale of railway freight on  
     coal from Pench and Chanda  
     Valley —. 1044.  
     Restriction of raisings of — owned  
     by Railways. 1043.

**COMBATANT RANKS—**

- Question *re* selection of personnel for  
     enrolment in the — of the Indian  
     Air Force. 1483-85.

**COMBINED POST AND TELE-  
GRAPH OFFICE(S)—**

- See "Post and Telegraph Office(s)".

**COMMANDANT—**

- Question *re* renting of the long corru-  
     gated iron shed to the Summer Hill  
     —. 750-51.

**COMMANDS—**

- Question *re* replacement of British  
     clerks at the Headquarters of —  
     of the Indian Army by Indian  
     clerks. 277.

**COMMERCE, CHAMBER(S) OF—**  
See "Chamber(s) of Commerce".**COMMERCE DEPARTMENT—**

- Election of the Standing Committee  
     for the —. 293, 951.  
     Question *re* appointment of Muslims  
     in the Commercial Statistics Branch  
     of the —. 1095-96.

**COMMERCIAL ACCOUNT(S)—**

- See "Accounts".

**COMMERCIAL BRANCH—**

- Question *re* promotions of officers of  
     the Transportation (Traffic) and  
     —(es) of the North Western Railway.  
     950.

**COMMERCIAL DEPARTMENT—**

- Question *re* certain posts in the  
     Rates and Claims offices of the —  
     of the East Indian Railway. 1456-  
     57.

**COMMERCIAL ENGINEERING—**

- Question *re* training in — in America.  
     1106.

**COMMERCIAL MANAGER—**

- Question *re* qualifications for appoint-  
     ment as Chief Claims Clerk in the  
     office of the Deputy Chief —, East  
     Indian Railway. 452.

**COMMERCIAL SERVICES—**

- Question *re* rules of examination for  
     recruitment to the superior — and  
     transportation services. 1676.

**COMMERCIAL STAFF—**

- Question *re* transfer of certain men  
     of the — employed in the Quetta  
     Division on the North Western Rail-  
     way. 796.

**COMMERCIAL STATISTICS BRANCH—**

- Question *re* appointment of Muslims  
     in the — of the Commerce Depart-  
     ment. 1095-96.

**COMMISSARIAT DEPARTMENT—**

- Question *re* losses incurred in working  
     the Executive — in the Andamans.  
     605-06.

**COMMISSION(S)—**

- Question *re* allowances of members  
     of different Committees and —. 599.

**COMMISSIONER(S)—**

- Motion for Adjournment *re* expulsion  
     order passed by the — on some resi-  
     dents of the Phulra State. 1225,  
     1291-92.

- Question *re* extensions given to the  
     — and Assistant — of Income-tax  
     in the United Provinces and the  
     Punjab, respectively. 1375-76.

**COMMITTEE(S)—**

Consideration of the Report of the Public Accounts —. 1908-15, 1920-27.

Election of Members to the Salt Industry —. 1293-94, 1692.

Election of Members to the Select — on the Amendment of Standing Orders. 783.

Presentation of the Report of the Public Accounts —. 797-839.

Question *re*—

Action taken on certain recommendations of the Drugs Enquiry — Report. 106.

Advisory and Standing — of the various departments of the Government of India. 290.

Allowances of members of different — and Commissions. 599.

Amendment of leave rules as recommended by the Inchcape —. 616.

Amount paid to each witness invited to give evidence before the Joint Parliamentary —. 748-50.

• Application from Jamiat-ul-Ulema for giving evidence before the Joint Parliamentary —. 1035.

Article in the *Indian Railway Gazette* against the Standing Finance — for Railways. 1831.

— formed in connection with constitutional reforms. 1445-46.

— on the Great War Pensions. 599-600.

Confidential report submitted by the Haj Enquiry —. 739-40.

Delay in the issue of the reports of Local Railway Advisory —. 1827-28.

Fixation of the date and time for different Standing —. 1260-61.

Minute of dissent of Sir Parshotamdas Thakurdas on the report of the London — on the Indian Reserve Bank. 1690-92.

Nomination of a Moplah Member of the Central Legislature to the — to be formed for arranging the constituencies of the Federal Assembly. 635.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary —. 191-93.

Non-appointment of a Muslim on — formed in connection with the separation of the Orissa Province. 341-42.

Organisations invited for giving evidence before the Joint Parliamentary —. 748-50.

Proceedings of the Sub— of the World Economic Conference dealing with shipping subsidies. 1251.

**COMMITTEE(S)—*contd.***

Question *re*—

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board —. 194-95.

Recommendations of the Haj Enquiry —. 615.

Release of members of the Working — of the Jamiat-ul-Ulema-i-Hind. 1350.

Report of the Pope Enquiry —. 1364-65.

Report of the Varma —. 1367.

Resolution *re* amendment of Rule relating to the constitution of the — on Public Accounts. 1896-97.

**COMMITTEE ON PETITIONS—**

Appointment of the —. 462.

**COMMUNAL COMPOSITION—**

Question *re*—

— of apprentices nominated to the Welding Department, Jamalpur Railway Workshop. 544.

— of certain cadres on the Great Indian Peninsula Railway. 559.

— of certain grades of services in the Accounts Department, East Indian Railway. 1853.

— of clerks in the Medical Department, North Western Railway. 1286.

— of District Medical Officers on State Railways. 1284.

— of gazetted staff on the Multan Division of the North Western Railway. 1106-07.

— of Inspectors and Assistant Examiners, etc., in the Income tax Department, Sind. 260-61.

— of the clerical staff in the Military Grass and Dairy Farms. 1014.

— of the clerks in the Deputy Commissioner's Office, Delhi. 941.

— of the gazetted staff in the Bengal and Assam Postal Circle. 640-42.

— of the gazetted staff in the Bihar and Orissa Postal Circle. 642-44.

— of the gazetted staff in the Bombay Postal Circle. 644-46.

— of the gazetted staff in the Burma Postal Circle. 646-48.

— of the gazetted staff in the Central Postal Circle. 648-50.

— of the gazetted staff in the Madras Postal Circle. 650-52.

— of the gazetted staff in the Punjab and North-West Frontier Postal Circle. 652-54.

— of the gazetted staff in the Sind and Baluchistan Postal Circle. 654-56.



**COMMUNAL COMPOSITION—contd.**Question *re*—

- of the gazetted staff in the United Provinces Postal Circle. 656-58.
- of the gazetted staff under the direct control of the Director General of Posts and Telegraphs. 635-40.
- of the holders of selection grade posts under the Postmaster, Allahabad. 1822.
- of the Judges of High Courts and Chief Courts. 906.
- of the non-gazetted staff in the Bengal and Assam Postal Circle. 661-62.
- of the non-gazetted staff in the Bihar and Orissa Postal Circle. 663-64.
- of the non-gazetted staff in the Bombay Postal Circle. 665-66.
- of the non-gazetted staff in the Burma Postal Circle. 667-68.
- of the non-gazetted staff in the Central Postal Circle. 669-70.
- of the non-gazetted staff in the Madras Postal Circle. 671-72.
- of the non-gazetted staff in the Punjab and North-West Frontier Postal Circle. 673-74.
- of the non-gazetted staff in the Sind and Baluchistan Postal Circle. 675-76.
- of the non-gazetted staff in the United Provinces Postal Circle. 677-78.
- of the non-gazetted staff under the direct control of the Director General of Posts and Telegraphs. 658-60.
- of the staff in the office of the Chief Medical and Health Officer, North Western Railway. 1284-85.
- of the staff recruited by the Chief Medical Officer, North Western Railway. 1288.
- of the Viceregal staff. 505-06.

**COMMUNAL INEQUALITY—**

Question *re* — in inferior appointments in the Jhelum Head Post Office. 1379.

**COMMUNAL REPRESENTATION—**

Question *re* — of the inferior servants in the Allahabad General Post Office. 1823.

**COMMUNICATIONS—**

Question *re* sending or receiving of — by prisoners joining hunger-strike in the Cellular Jail, Andamans. 1598

**COMMUNITY(IES)—**Question *re*—

- Assistant supervisors of different — appointed in the Currency Note Press, Nasik. 785.
- Declaration of Hindu — as minority — for recruitment in the Punjab and North-West Frontier Postal Circle. 1666.
- Employment of — inadequately represented in the Central Public Works Department. 1095
- Fixation of percentage for appointments in Government service for Muslims and other —. 87-90.

**COMMUTED VALUE OF PENSIONS—**

Demand for Excess Grant. 1229.

**COMPANY(IES)—**

Question *re* foreign — doing insurance business in India. 445.

**COMPANY-MANAGED RAILWAYS—**

See "Railway(s)".

**COMPANY-MANAGEMENT—**

Question *re* salaries of East Indian Railway employees on the transfer of that Railway from —. 1611.

**COMPARTMENT(S)—**Question *re*—

- Arrangements for lights in the — of the Broach Jambusar Railway. 434-35.
- Non-reservation of a — for ladies in the Light Trains running between Bareilly Junction and Pilibhit on the Rohilkund and Kumaon Railway. 1106.

**COMPENSATORY ALLOWANCE—**

See "Allowance(s)".

**COMPETITION—**

Question *re* protection of the private dairy industry from the unfair — of military dairies. 1276-77, 1279-80.

**COMPLAINTS—**

Question *re* — and hardships of Indians in the Panamanian countries, America. 463.

**COMPOSITOR(S)—**Question *re*—

- Discontinuance of the privilege of allowing free passes to the — of the East Indian Railway Press. 1344-45.
- Faulty check over — work in the Government of India Presses at Calcutta and Simla. 1848-49
- Pay of — of the Eastern Bengal Railway Press. 1345.

COMPOSITOR(S)—*contd.*

Question *re*—

Position of — and binders after the amalgamation of the East Indian and Eastern Bengal Railway Presses. 1346-47.

CONCESSIONS—

Question *re* denial of certain — to Travelling Ticket Examiners on the North Western Railway. 733.

CONCESSION TICKETS—

Question *re* refusal by Messrs. Turner Morrison Company to issue — to poor pilgrims. 622.

CONFERENCE(S)—

Question *re*—

Agreement on the production of sugar reached in the World Economic — in London. 493.

— of horse-breeders of the Jhelum Canal Colonies. 519-22.

International Postal — to be held at Cairo. 1447-48.

North Western Railway Divisional Personnel Officers' —. 731.

Presidential speech of Mr. Subhas Chandra Bose in the recent political — in London. 255-56.

Proceedings of the Sub-Committee of the World Economic — dealing with shipping subsidies. 1251.

Rail Roads — held at Simla. 600.

Representation of the Government of India at the international Wheat —. 1258-59.

Representation of the travelling public at the Rail-Road — held at Simla. 1019-21.

Representatives of India at the World Economic — in London. 253-55.

Resolutions passed by the Provincial — of the Transvaal Indian Congress held at Johannesburg. 449-50.

Sugar and Industries — held at Simla. 550.

CONFIDENTIAL REPORT—

*See* "Report(s)".

CONFIRMATION(S)—

Question *re*—

— in the grade of Assistant Station Masters on the North Western Railway. 1481.

— of Assistant Controllers on the North Western Railway. 381-82.

— of certain clerks on the North Western Railway. 559-60.

— of one Mr. Bashir Ahmal Akhgar in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.

Holding up of — of subordinates in the Government of India Secretariat and Attached Offices. 758-59.

CONGRESS—

Question *re*—

Persons arrested, released and prosecuted in connection with the holding of the — session in Calcutta. 20.

Resolution passed by the Provincial Conference of the Transvaal Indian — held at Johannesburg. 449-50.

Resolutions passed by the Indian National — held in Calcutta. 19-20.

Third International — on Penal Laws held at Palermo. 449-50.

CONGRESSMEN—

Question *re* allegations of assault made on the — after their arrest in Calcutta. 21-26.

CONSOLIDATED ALLOWANCE—

*See* "Allowance(s)".

CONSPIRACY CASE—

Question *re*—

Case of Messrs. Vaishampayan and Poddar, accused in the Delhi — 1377-78.

Cost of the Delhi —. 767.

Cost of the Meerut —. 766-67.

Meerut —. 1022-25.

CONSTITUENCIES—

Question *re* nomination of a Moplah Member of the Central Legislature to the Committee to be formed for arranging the — of the Federal Assembly. 635.

CONSTITUTION(S)—

Question *re*—

Keeping of the Calcutta High Court in the new — on different footing from that of other High Courts. 750.

Status of Berar in the Federal —. 1671-72.

Resolution *re* amendment of Rule relating to the — of the Committee on Public Accounts. 1896-97.

CONSTITUTIONAL REFORMS—

Question *re* committees formed in connection with —. 1445-46.

CONSTRUCTION OFFICE—

Question *re* Sindhi and Non-Sindhi clerks in the late — North Western Railway. 1675.

CONTINGENT ALLOWANCE—

*See* "Allowance(s)".

CONTRACT(S)—

Question *re*—

— for building and supplying goods, etc., in the Government Forms Press, Aligarh. 1289.

— for Muslim sweets-stall at Amritsar. 1099.

**CONTRACT(S)—*contd.***

Question *re*—  
— of stalls at Railway stations. 263-64.

**CONTRACTOR(S)—**

Question *re*—  
Assessment of Income-tax from — in Sind. 259.  
Leasing out of military dairies to —. 1277-79.

**CONTRACTS DIRECTORATE—**

Question *re* recruitment of the ministerial establishment of the —, Army Headquarters. 34-36.

**CONTRIBUTION(S)—**

Question *re*—  
— by the Government of India to certain Provincial Governments for construction of Government buildings. 290.  
— towards the building fund of the Prince of Wales Seamen's Institute. 1670.

**CONTROLLER(S) .**

Question *re* confirmation of Assistant — on the North Western Railway. 381-82.

**CONTROLLER OF RAILWAY ACCOUNTS—**

Question *re* allegations against a clerk in the Office of the —. 178-79.

**CONVENTION—**

Question *re*—  
Expiry of the Indo-Japanese Trade — of 1905. 747.  
Impending visit of a Japanese Delegation for negotiations for a trade —. 747-48.  
Ratification of the Air — of 1914. 290.  
Resolution *re* draft — and Recommendation concerning the age for admission of children to non-industrial employment. 1885-96.

**CONVERSION LOAN—**

*See* "Loan(s)".

**CONVEYANCE—**

Question *re* provision of facilities for free — to the civilian clerks living in Summer Hill quarters. 319-50, 1468-69, 1470.

**CONVICTION—**

Question *re* — and sentence of the perpetrators of thefts in the Currency Note Press, Nasik. 784.

**CONVICTS—**

Question *re* escape of certain life — from Port Blair. 94.

**CO-OPERATIVE SOCIETIES—**

Question *re* returns of the — in India. 526.

**COPPER SULPHATE—**

Question *re* import of — into British India. 1016-17.

**COPRA—**

Question *re* dumping of Ceylon — into India. 1047.

**CORDITE FACTORY—**

*See* "Factory(ies)".

**CORRESPONDENCE—**

Question *re* censorship of the — of political prisoners. 283-84.

**CORRUGATED IRON SHED—**

Question *re* renting of the long — to the Summer Hill Commandant. 750-51.

**COTTON—**

Question *re* boycott of Indian — by Japan. 256-57.

**COTTON IMPORTS—**

Resolution *re* raising of duty on foreign —. 566-79.

**COTTON TEXTILE—**

Question *re* import of — and yarn, etc., through Kathiawar Ports. 1464.

**COTTON TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL—**

*See* "Bill(s)".

**COUNCIL HOUSE—**

Question *re* damage due to excessive rainfall to certain articles in the — Building in New Delhi. 514-15.

**COUNCIL OF STATE—**

Address by His Excellency the Viceroy to the Members of the — and the Legislative Assembly. 417-25.

Message from the — intimating concurrence in the Legislative Assembly Resolution recommending committal of the Imperial Bank of India (Amendment) Bill to a Joint Committee of both the Houses. 1765.

Message from the — intimating concurrence in the Legislative Assembly Resolution recommending committal of the Reserve Bank of India Bill to a Joint Committee of both the Houses. 1765.

**COUNTRY LIQUOR—**

Question *re*—  
Complaints about adulteration in country liquor bottles. 40.  
Duty on —. 40.

**COUPON SYSTEM—**

Question *re* re-introduction of the — on the railways. 1758.

**COURTS—**

Question *re* professional representation in the Civil and Criminal — of Quetta. 180-82.

**COX, MR. A. R.—**

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 382-86.

Oath of Office. 1.

**CREAM—**

Question *re* selling price of milk and — at the Wellington Farm. 604-05.

**CREW (S)—**

Question *re*—

Consolidated allowance of Inspectors of — on the East Indian Railway. 292.

— system on the North Western Railway. 729-30.

Demotion of certain Inspectors of — East Indian Railway. 1749-50.

Memorial of the Inspectors of — East Indian Railway. 1750.

**CRIMINAL COURTS—**

Question *re* professional representation in the Civil and — of Quetta. 180-82.

**CURRENCY (IES)—**

Question *re*—

Gold bullion in reserve in the —. 601.

Silver bullion in reserve in the —. 602.

**CURRENCY DEPARTMENT—**

Question *re*—

Gold and silver held in the —. 1349-50.

Loss on coinage in the —. 604.

**CURRENCY NOTE(S)—**

Question *re*—

Issue of new ten-rupee and five-rupee —. 1385.

New ten-rupee and five rupee —. 1034-35.

Payment of halves of —. 1746.

Unsuitability of the new five-rupee and ten-rupee —. 1745, 1748-49.

Resolution *re* repayment of half —. 579-97.

See also "Note(s)".

**CURRENCY NOTE PRESS**

Question *re*—

Allotment of residential quarters in the —, Nasik. 786.

Application of the Factory Rules to the —, Nasik. 786-87.

Appointment of Adya Gaud-Brahmans in the —, Nasik. 785.

Assistant supervisors of different communities appointed in the —, Nasik. 785.

Conviction and sentence of the perpetrators of thefts in the —, Nasik. 784.

Departmental action taken against the supervisors retained or retrenched in the —, Nasik. 785.

European style quarters for Indians in the —, Nasik. 785-86.

Forged ten-rupee notes in the —, Nasik. 784.

Shortage of five-rupee note sheets in the —, Nasik. 784.

Star water-marked currency notes printed in the —, Nasik. 784.

Verification of spoiled or rejected currency notes in the —, Nasik. 784.

**CURRENCY OFFICES—**

Question *re* clerical staff of the — in India. 754-55.

**CUSTOMS DUTY—**

Question *re* exclusion from — of *Takarrukats* imported by Haj pilgrims. 622.

**CUSTOMS HOUSE(S)—**

Question *re* disability pensions drawn by Preventive Officers and Inspectors in the Karachi —. 261-62.

**CUSTOMS OFFICE—**

Question *re* new overtime rules for the Assistant preventive Officers of the Madras —. 1333-34.

**CUSTOMS PREVENTIVE STAFF—**

Question *re* grades of officers in the Madras —. 1333.

**CUT—**

Question *re* — in the consolidated allowance of Travelling Ticket Examiners on the East Indian Railway. 1351-52.

**CYPHER BUREAU—**

Question *re* Indianisation of the Central — of the Foreign and Political Department. 1591-95, 1842.

## D|

## DACCA UNIVERSITY—

Question *re* entry of some soldiers of the Dorsetshire Regiment into the — Central Building with fixed bayonets. 787.

## DADU—

Question *re* absence of a direct train between Lahore and Karachi *vid* —. 109.

## DAILY ALLOWANCE—

*See* "Allowance(s)".

## DAILY GAZETTE—

Motion for Adjournment *re* alleged scurrilous article in the — *re* Mahatma Gandhi. 1388-91, 1419-44.

Question *re* alleged attack on Mahatma Gandhi by the — of Karachi. 1268-75.

## DAILY WAGE(S)—

*See* "Wage(s)".

## DAIRY (IES)—

Question *re*—

Leasing out of military — to contractors. 1277-79.

Military — in Simla and Lahore. 262-63.

Profit and loss of the Government military —. 1280-81.

Protection of the private — industry from the unfair competition of military —. 1276-77, 1279-80.

## DALAL, Dr. R. D.—

Indian Medical Council Bill—

Motion to consider. 1873-74.

Workmen's Compensation (Amendment) Bill—

Motion to consider. 65-67.

Consideration of clause 22. 132.

## DAMOH—

Question *re* —

Grievances of the State Prisoners confined in the — Sub-Jail. 280-83.

Non-supply of certain books to State Prisoners confined in the — Sub-Jail. 284.

Search by police of the room and belongings of State Prisoners confined in the — Sub-Jail. 284-85.

## DANGEROUS DRUGS (AMENDMENT) BILL—

*See* "Bill(s)".

## DARJEELING—

Question *re* rates of allowances drawn by postal employees at —. 954-55.

## DAS, MR. A.—

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 392-93.

Indian Railway's (Amendment) Bill—

Consideration of clause 2. 490-91

Murshidabad Estate Administration Bill—

Consideration of clause 4. 1665-69

1570.

Question *re*—

Abolition of posts of certain cadets in each Postal Circle. 540.

Advertisement for probationers for certain posts at the Railway School, Chandausi. 743-44.

Appeals pending before each Assistant Income-tax Commissioner in the United Provinces. 493-95.

Assessment of income-tax from Government employees having private income of over Rs. 1,000 495.

Certain posts in each Postal Division of the Bombay Circle. 1682-83.

Creation of the post of Assistant Secretary in the Indian Research Fund Association. 949-50.

Death of certain political prisoner in the Andamans. 112.

Indian Research Fund Association work done by the Assistant-in-Charge of the Public Health section of the office of the Director General, Indian Medical Service 948-49.

Issue of passes to the teachers of the East Indian Railway Indian schools. 775.

Light of railway signals. 114.

Postal clerks in each Postal Circle 541.

Proposed transfer of the seat of the High Court from Allahabad to Lucknow. 1255.

Report of the Tariff Board on glass industry. 1387-88.

Retrenchment of certain postal officials in each Postal Circle. 541-42.

Retrenchment of head postmen in each Postal Circle. 541.

Retrenchment of inferior servants in each Postal Circle. 542.

Saving effected by retrenchment of staff in each Postal Circle. 542.

Saving effected by the discontinuance of allowance paid to postmen for the delivery of Foreign Mail. 542.

Status of teachers of the East Indian Railway Indian Schools. 773-75, 775-78, 891-93.

DAS, MR. A.—*contd.*

Question *re*—

Suggestions for economy on the Railways. 113-14.

Supply of umbrellas to the outdoor postal staff. 543.

Question (Supplementary) *re*—

Construction of quarters in New Delhi. 913.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1516-19.

Workmen's Compensation (Amendment) Bill—

Consideration of—

Clause 18. 121.

Clause 21. 124.

DAS, MR. B.—

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 294-95, 847-54, 857, 860, 1057, 1059, 1067, 1075.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1236-38.

Factories Bill—

Motion to refer to Select Committee. 1633, 1634, 1639-41, 1643, 1644, 1645.

Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee. 1539, 1547-50, 1551, 1552, 1556.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 982-84.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1082, 1089-94, 1182-88, 1192, 1198.

Indian Tea Control Bill—

Motion to pass. 1626-27.

Motion for Adjournment *re*—

Aerial bombardment on Kotkai in the Trans-Frontier. 552, 782.

Alleged scurrilous article in the *Daily Gazette*, *re* Mahatma Gandhi. 1424

Motion *re* future Administration of Aden. 1727-32.

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 727.

Question *re*—

Indianisation in the Traction Department of the Great Indian Peninsula Railway. 690.

Minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank. 1690-92.

Post of Superintending Foreman for the multiple units section of the Traction Department of the Great Indian Peninsula Railway. 690.

DAS, MR. B.—*contd.*

Question *re*—

Purchase of cheap electric power in preference to its generation by the Great Indian Peninsula Railway. 689.

Recruitment of a Foreman in England for the Distribution Section of the Traction Department of the Great Indian Peninsula Railway. 690.

Question (Supplementary) *re*—

Allegations against the British India Steam Navigation Company. 375.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi 1275.

Alleged inhuman treatment meted out to Tamil labourers in Songorra District in Siam. 357, 358.

Amount paid to witnesses for going to London for giving evidence before the Joint Parliamentary Committee. 342, 343.

Appointment of an Indian as Director General, Indian Medical Service, or as Public Health Commissioner in India. 923.

Appointment of Presidents and Members of the Tariff Board from Provinces other than Bombay. 929.

Boycott of Indian cotton by Japan. 257.

Creation of insurance companies in India. 753.

Dilapidated condition of the building occupied by the Indian Stores Department. 893-94.

Disposal of certain publications as waste paper on the eve of the transfer of the Central Publication Branch to Delhi. 432.

Employment of States subjects under the Government of India. 1590.

Gold exported from India since Great Britain went off the gold standard. 444, 445.

Impending visit of a Japanese delegation for negotiations for a trade convention. 747, 748.

Loans advanced to the Bahawalpur State out of Indian revenues. 938.

Mr. Gandhi's telegram to the Private Secretary to His Excellency the Viceroy and replies thereto. 539.

Non-appointment of a Muslim on committees formed in connection with the separation of the Orissa Province. 341.

**DAS, MR. B.—*concl'd.*****Question (Supplementary) *re*—**

Participation of Indian shipping in the coastal and overseas trade of India. 1266, 1267.

Prevention of the sale of bad salt to the public. 538.

Prohibition of the entry into India of publications by Rash Behari Bose. 359.

Proposed revision of the terms of the Ottawa Agreement. 1336.

Protection to the Indian shipping companies. 1265.

Representation for the postponement of the Autumn Session of the Legislative Assembly to November. 267.

Representation made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the Andamans. 1601.

Representatives of India at the World Economic Conference in London. 254, 255.

Resolutions passed by the Provincial Conference of the Transvaal Indian Congress held at Johannesburg. 449, 450.

Seats for Muslims in the Bihar and Orissa Legislative Council. 454.

Separation of Allen from India. 447.

**Reserve Bank of India Bill—**

Motion for leave to introduce. 1177.

Motions to refer to Joint Committee and to circulate. 1295, 1297, 1315, 1396, 1397, 1403, 1409, 1410, 1414, 1494, 1497, 1499, 1504, 1510, 1519-24.

**DAS, MR. RASIK LAL—**

Question *re* transfer of State Prisoner -- to some other jail. 1606.

**DEAD BODIES—**

Question *re* disposal of — of certain prisoners in the Andamans. 1602.

**DEATH(S)—**

Expressions of regret on the — of — Mr. B. N. Misra. 1861-65.

Mrs. Annie Besant. 1917-20.

Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Husain Khan. 50-55.

**Question *re*—**

— from pneumonia in jails in the Andamans. 286-87.

— of certain political prisoners in the Andamans. 98-104, 110, 112.

— of one H. Bagchi, a detenu in the Deoli Detention Camp. 1257.

— of prisoners from hunger-strike in the Andamans. 279.

**DEATH(S)—*cont'd.*****Question *re*—**

Intimation of the — of prisoners in the Andamans to their relatives. 1604.

**DEATH CLAIM(S)—**

See "Claim(s)".

**DEBENTURES—**

Question *re* declaration of — of the Central Land Mortgage Bank of Madras as trustee securities. 618.

**DEBT(S)—****Question *re*—**

Payment by the Indian States and Provincial Governments of — instalments. 537.

Payment of War — by England to the United States of America with silver acquired from India. 266.

Re-payment of War — by England out of the silver reserves transferred from India. 277-78.

Silver bars left in stock with the Government of India after payment of the same to America as a war —. 611.

**DECENTRALISATION—**

Question *re* — of the administration of the Posts and Telegraphs Department. 1369-70.

**DECK PASSENGER(S)—**

Question *re* insulting treatment meted out to — at the time of their vaccination at Rangoon. 186-90.

See also "Passenger(s)".

**DEHRA DUN—****Question *re*—**

Denial of hill allowance to the Railway staff stationed at —. 466.

Discharge of certain Hindus in the — Head Post Office. 1685-86.

Grievances of the Muslim employees of the — Postal Division. 36-37.

Nomination of the Indian Army soldiers to the Indian Military Academy. —. 909-12.

Teaching staff of the Indian Military Academy. —. 1375.

Teaching staff of the Royal Indian Military College. —. 1373-75.

Vacancies of postmen etc. in the Saharanpur and — Head Post Offices and their sub-offices. 1665.

**DELHI—**

Demand for Supplementary Grants in respect of "New Capital Works at —". 1231-50.

**Question *re*—**

Absence of a direct train between Delhi and Karachi. 106-09.

DELHI—*contd.*

Question re—

- Absence of a direct train between — and Lucknow. 1105.
- Adulteration in the country liquor in —. 503-04.
- Appointment of the Assistant in charge of the administration branch in the Office of the Deputy Accountant General, Posts and Telegraphs. —. 201.
- Arrest and deportation of Mr. George Mraz who was running a German Therapeutic Institute in —. 625.
- Arrest of Mr. Devidas Gandhi at —. 760-64.
- Arrests and detention in connection with alleged revolutionary activities in the — Province. 270-71.
- Case of Messrs. Vaishampayan and Potdar, accused in the — conspiracy case. 1377-78.
- Casualties due to rash driving in New Delhi and — City. 39.
- City Magistrate of —. 105-06.
- Civil Hospital. —. 201.
- Closing to the public of the Victoria Park in Queen's Garden. —. 464.
- Communal composition of the clerks in the Deputy Commissioner's Office. —. 941.
- Condemnation of certain quarters in Timarpur. —. 370-71.
- Confirmation of one Mr. Bashir Ahmad Akhgar in the Office of the Deputy Accountant General, Posts and Telegraphs. —. 377.
- Construction of a road from — to village Basti Chiragh. 557.
- Cost of production of publications sold as waste paper on the transfer of the Central Publication Branch to —. 900.
- Dangerous condition of the city wall of —. 629.
- Dangerous condition of Timarpur quarters. —. 1854.
- Determination of seniority in the Deputy Commissioner's Office. —. 941.
- Difficulties of the staff of the Central Publication Branch due to its transfer to —. 368-69.
- Disposal of certain publications as waste paper on the eve of the transfer of the Central Publication Branch to —. 430-33.
- Employment of Sikhs in the Office of the Deputy Accountant General, Posts and Telegraphs. —. 376-77.

DELHI—*contd.*

Question re—

- Enforcement of the Punjab Primary Education Act in —. 1347-48.
- Enhancement of water tax in the Timarpur Quarters. —. 201.
- Establishment of a development directorate for Old — and New —. 1854.
- Examination for lower division postal clerks held at —. 954.
- Expenditure incurred on the transmission of publications from the Government of India Press, Calcutta, to the Central Publication Branch. —. 433.
- Externment of Maulana Sultan Ahmed from —. 495-97.
- Externment of one Mr. Ratna Prakash from —. 1378-79.
- Genealogical table of the — Royal family prepared by the Chief Commissioner of —. 41-47.
- Grievances of apprentices working in the Deputy Commissioner's Office. —. 941.
- Heavy traffic of cocaine and charas in —. 504-05.
- Increase or decrease in the excise revenue in —. 41.
- Introduction of a faster train *via* Loop Line from Howrah to —. 1854-55.
- Introduction of tender system for sale of country liquor in —. 499-500.
- Licence fees for charas shops in —. 41.
- Liquidation of the Indraprasth Stores. —. 1756.
- Location of the existing Infectious Diseases Isolation Hospital. —. 557-58.
- Maintenance of a uniform rate for retail sale of country liquor in —. 502-03.
- Motor and Electric omnibus service in —. 1854.
- Motor drivers of Police Officers in —. 463.
- Non-grant of advance increments to the staff of the Central Publication Branch on their transfer to —. 367-68.
- Non-release on bail of persons arrested for offences under section 18 of the Emergency Press Act, 1931. in —. 271-72.
- Pension aid to the — Royal family. 48.
- Permanent clerks working in the Sub-Registrar's Office. —. 941.
- Persons getting extensions after reaching the age of superannuation in the Deputy Commissioner's Office. —. 940-41.



**DELHI—*confd.*****Question re—**

Possession of a diploma or certificate in the Hindi language by the Superintendent of Education, —, 555.

Procession on the *Ekdashi* Day in Shahdara, —, 1458-60.

Promotion of guards to the Assistant Station Masters' cadre in the — Division of the North Western Railway, 526-27.

Proposal for the amalgamation of the municipalities of Old — and New —, 1854.

Proposed demolition of a portion of the Wall which separates Old — from New —, 543-44.

Proposed shifting of the Government of India, Press, Calcutta, to —, 1842-43.

Qualifications possessed by the Superintendent of Education, —, in the Gujrati and Marathi languages, 555.

Racial discrimination in the fixation of hospital charges in the Hindu Rao Hospital, —, 355-56.

Release of workers of the Jamiat-ul-Ulema-i-Hind, —, 1659.

Remand to police custody of persons arrested for distributing unauthorised leaflets in —, 271.

Rent of Government quarters paid by the staff of the office of the Deputy Accountant General, Posts and Telegraphs, —, 1053-54.

Retrenchment in the Railway Clearing Accounts Office, —, 1054.

Revision of the timings of the Grand Trunk Express between Madras and —, 1829.

Sale of coloured and plain liquors at —, 500-01.

Selling price of country liquor in —, 501-02.

Supervisor of records of the Office of the Deputy Accountant General Posts and Telegraphs, —, 377.

Suspension of a candidate from the intermediate examination by the Superintendent, Ramjas College Centre, —, 736-37.

**DELHI CONSPIRACY CASE—**

Question re cost of the —, 767.

**DELHI EXPRESS—**

Question re accident to the 8-Down — at Asansol, 175.

**DELHI PROVINCE—**

Question re Judicial officers in the —, 926-27.

**DEMAND, NOTICE OF—**

Question re translation of the form — of Income-tax in Sindhi, 259.

**DEMANDS FOR EXCESS GRANTS—GENERAL BUDGET—**

Commuted value of pensions, 1229.  
Indian Posts and Telegraphs Department, 1230.

Loans and Advances bearing interest, 1229.

Mint, 1229.

Refunds, 1229.

Stationery and Printing, 1229.

Superannuation Allowances and Pensions, 1229.

**DEMANDS FOR EXCESS GRANTS—RAILWAY BUDGET—**

Appropriation from Depreciation Fund, 1230.

Appropriation from the Reserve Fund, 1231.

Miscellaneous, 1230.

Railway Board, 1230.

Strategic Lines—Working Expenses and Miscellaneous, 1231.

Working Expenses—Administration, 1230.

**DEMANDS FOR SUPPLEMENTARY GRANTS—GENERAL****BUDGET—**

Civil Aviation, 1897-1908.

New Capital Works at Delhi, 1231.  
50.

**DEMOLITION—**

Question re proposed — of certain houses in the Secunderabad Cantonment, 686-87.

**DEMOTION—**

Question re—

— and reduction in salaries of the industrial staff in the Eastern Bengal Railway Press, 1346.

— of certain drivers of the Great Indian Peninsula Railway, 1479-80.

— of certain Inspectors of Crews, East Indian Railway, 292, 1749-50.

**DEOLI—**

Question re—

Death of one H. Bagchi, a detenu in the — Detention Camp, 1257.

Detenus detained in the — Detention Camp, 1607-08.

Detenus sent to the — Detention Camp, 445.

Hunger-strike by detenus in the — Detention Camp, 373.

Illness of Mr. Dhirendra Chandra Kundu Roy, a detenu in the — Detention Camp, 448.

Illness of Saroj Ranjan Acharya, a detenu in the — Detention Camp, 372-73.

**DEOLI—contd.**

**Question re—**

Permission to a detenu in the — Detention Camp to perform the *Shradh* ceremony of his father. 1608.

Petition for the transfer of Mr. Mahendra Nath Roy from the — Detention Camp to Calcutta. 921.

Present condition of the health of Saroj Ranjan Acharya detained in the — Detention Camp. 95.

State Prisoners interned in villages and detenues in the — Detention Camp. 397.

**DEORUKHKAR, MR. B. J.—**

Question *re* refusal of passport to —, nationalist leader of the Depressed Classes, to proceed to London. 269-70.

**DEPARTMENT OF COMMERCE—**

Election of the Standing Committee for the —. 293.

*See also* "Commerce Department".

**DEPARTMENT OF INDUSTRIES AND LABOUR—**

Election of the Standing Committee for the —. 293-94.

*See also* "Industries and Labour Department".

**DEPARTMENTAL ACTION—**

Question *re* — taken against the supervisors retained or retrenched in the Currency Note Press, Nasik. 785.

**DEPARTMENTAL ENQUIRIES—**

**Question re—**

Provision of facilities of accused subordinates in — on the East Indian Railway. 1457-58.

Provision of facilities of accused subordinates in — on the Eastern Bengal Railway. 1458.

Rules governing — on State Railways. 1458.

**DEPARTMENTAL EXAMINATION—**

*See* "Examination(s)".

**DEPARTMENTAL STAFF—**

Question *re* frauds committed by the departmental and extra — in the Bombay Postal Circle. 1473-74.

**DEPENDENTS—**

Question *re* passes for — of employees of the North Western Railway. 1482.

**DEPORTATION—**

Question *re* arrest and — of Mr. George Mraz who was running a German Therapeutic Institute in Delhi. 625.

**DEPOSIT(S)—**

Motion for Adjournment *re* forfeiture by Government of the *Free Press Journal* —. 1119-20.

**DEPOTS—**

Question *re* purchase of grain for the Military and Management of the —. 740-42.

**DEPRECIATION FUND (RAILWAYS), APPROPRIATION FROM—**  
Demand for Excess Grant. 1230.

**DEPRESSED CLASS(ES)—**

**Question re—**

Government of India Departments with no Sikhs, Indian Christians, — and Parsis. 1595.

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the —, to proceed to London. 269-70.

**DEPUTATION(S)—**

**Question re—**

Ceylonese — in Simla. 257.

— of a medical man for a clerical job in the Office of the Medical Officer, Lahore. 1287-88.

— of men from the Military Accounts Department. 1837-38.

**DEPUTY ACCOUNTANT GENERAL—**

**Question re—**

Confirmation of one Mr. Bashir Ahmad Akhgar in the Office of the —, Posts and Telegraphs, Delhi. 377.

Employment of Sikhs in the Office of the —, Posts and Telegraphs, Delhi. 376-77.

Supervisor of Records of the Office of the —, Posts and Telegraphs, Delhi. 377.

*See also* "Accountant General".

**DEPUTY CHIEF COMMERCIAL MANAGER—**

*See* "Commercial Manager(s)".

**DEPUTY COMMISSIONER —**

**Question re—**

Munim composition of the clerks in the —'s Office, Delhi. 941.

Determination of seniority in the —'s Office, Delhi. 941.

Grievances of apprentices working in the —'s Office, Delhi. 941.

Persons getting extensions after reaching the age of superannuation in the —'s Office, Delhi. 940-41.

**DEPUTY FINANCIAL ADVISERS—**

*See* "Financial Advisers".

**DEPUTY MASTER—**

*See* "Master".

**DEPUTY POSTMASTER GENERAL—**

*See* "Postmaster(s) General".

**DEPUTY SHIPPING MASTERS—**

*See* "Shipping Master(s)".

**DERAILMENT—****Question re—**

- of a passenger train near Dharam pur, Kalka Simla Railway. 550.
- of an engine and some bogies near Chinot, North Western Railway. 1259.
- of the Punjab Mail in the Dinapore Division, East Indian Railway. 445-46.

**DERBY SWEEP—**

**Question re** circulation of a proposal for purchase of — tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1460-61.

**DESIGN—**

**Question re** improvement in the — of a bone-crusher. 950.

**DESOUZA, DR. F. X.—**

**Indian Railways (Amendment) Bill—**

**Motions to consider, to re-circulate and to recommit to Select Committee.** 299-303.

**Motion re** future Administration of Aden. 1800-03.

**Question re—**

**Freight on manures and fertilisers on the Madras and Southern Mahratta and South Indian Railways.** 1018-19.

**Import of copper sulphate into British India.** 1016-17.

**Import of rubber hose into British India.** 1017-18.

**DETENTION (S)—**

**Question re** arrests and — in connection with alleged revolutionary activities in the Delhi Province. 270-71.

**DETENTION CAMP—****Question re—**

**Death of one H. Bagchi, a detenu in the Deoli —.** 1257.

**Detenus detained in the Deoli —.** 1607-08.

**Detenus sent to the Deoli —.** 445

**Hunger-strike by detenus in the Deoli —.** 373.

**Illness of Mr. Dharendra Chandra Kundu Roy, a detenu in the Deoli —.** 448.

**Illness of Saroj Ranjan Acharya, a detenu in the Deoli —.** 372-73.

**Permission to a detenu in the Deoli — to perform the Sradh ceremony of his father.** 1608.

**Persons detained in different — in India.** 453.

**Petition for the transfer of Mr. Mahendra Nath Roy from the Deoli — to Calcutta.** 921.

**DETENTION CAMP—contd.****Question re—**

**Present condition of the health of Saroj Ranjan Acharya detained in the Deoli —.** 95.

**State Prisoners interned in villages and detenus in the Deoli —.** 897.

**DETENU(S)—****Question re—**

**Death of one H. Bagchi, a — in the Deoli Detention Camp.** 1257.

**— detained in the Deoli Detention Camp.** 1607-08.

**— kept in different places.** 443-44.

**— sent to the Deoli Detention Camp.** 445.

**Hunger-strike by — in the Deoli Detention Camp.** 373.

**Illness of Mr. Dharendra Chandra Kundu Roy, a — in the Deoli Detention Camp.** 448.

**Illness of Saroj Ranjan Acharya, a — in the Deoli Detention Camp.** 372-73.

**Permission to a — in the Deoli Detention Camp to perform the Sradh ceremony of his father.** 1608.

**Provision of electric fans for State Prisoners and — in the Trichinopoly jail.** 896.

**State Prisoners and — in jails.** 897.

**State Prisoners interned in villages and — in the Deoli Detention Camp.** 897.

**DETONATING DISCS—**

**Question re** pro-repeater alarm pistols and their —. 684.

**DEVELOPMENT DIRECTORATE—**

**Question re** establishment of a — for Old and New Delhi. 1854.

**DIHARAMPUR—****Question re—**

**Derailment of a passenger train near —, Kalka Simla Railway.** 550.

**Railway accident near — on the Kalka Simla Railway.** 94-95.

**DHOORIA—**

**Question re** raising the status of the — Post Office in the Rawalpindi Division. 1689-90.

**DIANA BRAND—**

**Question re** licence for Tell and — German air pistols in Bengal. 685.

**DIET—**

**Question re** menu of — supplied to certain prisoners in the Andamans. 1599.

**DIET ALLOWANCE(S)—**

**See "Allowance(s)".**

**DIFFERENTIAL TREATMENT—**

Question *re* — in sanctioning special pay for Town Inspectors and Accountants of Post Offices. 1027.

**DINAPORE—**

Question *re*—

Allegations against a Railway official of the — Division. 465.

Derailment of the Punjab Mail in the — Division, East Indian Railway. 445-46.

Discharge of Railway employees in certain departments in the — Division. 1829-30.

Discharge orders passed in the — Division East Indian Railway. 1338-39.

**DINING CARS—**

Question *re* running of — for Indian passengers in mail and express trains. 768.

**DIPLOMA—**

Question *re* possession of a — or certificate in the Hindi language by the Superintendent of Education, Delhi. 555.

**DIRECTOR(S)—**

Question *re* alleged falsification of accounts by a clerk of the Office of the —, Telegraph Engineering, Eastern Circle. 1368-69.

**DIRECTOR GENERAL, INDIAN MEDICAL SERVICE—**

Question *re*—

Appointment of an Indian as —, or as Public Health Commissioner in India. 923-25.

Indian Research Fund Association work done by the Assistant-in-Charge of the Public Health section of the office of the —. 948-49.

See also "Indian Medical Service".

**DIRECTOR GENERAL, POSTS AND TELEGRAPHS—**

Question *re*—

Communal composition of the non-gazetted staff under the direct control of the —. 658-60.

Communal composition of the staff under the direct control of the —. 635-40.

See also "Posts and Telegraphs".

**DISABILITY PENSION(S)—**

See "Pension(s)".

**DISCHARGE(S)—**

Question *re*—

— of certain peons attached to Travelling Ticket Inspector section on the East Indian Railway. 1354.

**DISCHARGE(S)—*contd.***

Question *re*—

— of Railway employees in certain departments in the Dinapore Division. 1829-30.

— of temporary staff of Central Publication Branch. 366-67.

— orders passed in the Dinapore Division, East Indian Railway. 1338-39.

Suspension and — of certain chargemen in the carriage and wagon shops, Moghalpura, North Western Railway. 946-47.

**DISCRETIONARY POWERS—**

Question *re* abuse of — vested in the Income tax Officers at Calcutta. 1471.

**DISCRIMINATION—**

Question *re*—

— against Asiatic staff in the Tanganyika Railways. 1004-05.

— in the distribution of quarters on the North Western Railway. 1481-82.

**DISMISSAL—**

Question *re*—

— of one B. Ghulam Muhammad, a clerk in the Office of the Chief Medical Officer, North Western Railway. 1237.

— of public servants in military employ. 1841.

**DISPENSARY—**

Question *re* appointment of doctors and opening of a — in New Delhi. 1673-79.

**DISTRIBUTION—**

Question *re* inequality in the — of higher posts in the Railway Clearing Accounts Office. 1109-10.

**DISTRIBUTION SECTION—**

Question *re* recruitment of a Foreman in England for the — of the Traction Department of the Great Indian Peninsula Railway. 690.

**DISTRICT(S)—**

Question *re*—

Posting of judicial and police gazetted officers to their home —. 927.

Postings of postal officials in the Punjab Circle to their home —. 1666-67.

**DISTRICT MAGISTRATE—**

Question *re* assassination of Mr. Burge, — of Midnapore. 778-79.

**DISTURBANCES—**

Question *re* — in Kashgar and Yarkand. 94.

**DIVISION(S)—**

Code of Criminal Procedure (Amendment) Bill—

— on the motion to refer to Select Committee. 414.

**DIVISION(S)—*contd***

Indian States (Protection) Bill—

— on the motion that the question be now put. 1227-28.

— on the motion to circulate. 1228.

Workmen's Compensation (Amendment) Bill—

— on the motion to substitute a new Schedule for the proposed Schedule IV in clause 23. 146.

**DIVISIONAL ENGINEER(S)—**

Question *re* non-recruitment of Muslim clerks in the office of —, Telegraphs, New Delhi.—955-56.

**DIVISIONAL INSPECTORS—**

Question *re* consolidated allowance of Travelling Ticket Inspectors and their — on the East Indian Railway. 1030.

**DIVISIONAL PERSONNEL OFFICERS—**

*See* "Personnel Officer(s)".

**DIVISIONAL SUPERINTENDENT—**

*See* "Superintendent(s)".

**DIVISIONAL TRANSPORTATION SUPERINTENDENT—**

Question *re* Assistant — (Traction) on the Great Indian Peninsula Railway. 1858-59.

**DIWANS—**

Question *re* area of land in New Delhi reserved for allotment to — and Raises. 1125.

**DOCK(S)—**

Question *re* revenue earned at the — by the Calcutta Port Trust. 626-28.

**DOCK LABOURERS BILL—**

*See* "Indian —" under "Bill(s)".

**DOCTOR(S)—**

Question *re*—

Appointment of — and opening of a dispensary in New Delhi. 1678-79.  
— in charge of hospitals on pilgrim ships. 621.

Employment of Muslim — and hospital assistants on pilgrim ships. 621.

**DOGS—**

Question *re* racial discrimination in the carriage of — by railway trains between Summer Hill and Simla. 913-14, 922-23.

**DORSETSHIRE REGIMENT—**

Question *re* entry of some soldiers of the — into the Dacca University Central Building with fixed bayonets. 787.

**DRAFTSMEN—**

Question *re* Muslim — retrenched from the Office of the Chief Engineer, Survey and Construction, North Western Railway. 380.

**DRIVERS—**

Question *re* demotion of certain — of the Great Indian Peninsula Railway. 1479-80.

**DRUGS ENQUIRY COMMITTEE—**

Question *re* action taken on certain recommendations of the — Report. 106.

**DUDHORIA, MR. NABAKUMAR SING—**

Question *re*—

Abolition of the appointments of the Deputy and Assistant Shipping Masters in Calcutta. 198.

Allegations against a Railway official of the Dinapore Division. 465.

Amount spent by the Calcutta Port Trust on the purchase of materials in India. 1021-22.

Falling off in the number of students in the Benares and Aligarh Universities. 624.

Formation of the Statutory Railway Board in India. 624.

Grievances of Indians in the Federated Malay States, Indo-China and Siam. 735.

*Indian Railway Gazette of Calcutta*, 630-31.

Meerut Conspiracy Case. 1022-25.

Properties of the Nawab Nazims of Bengal and Bihar and Orissa. 48-49.

Reduction in the income of the Commissioners for the Port of Calcutta. 1021.

Sending back of repatriated Indians from Natal and other parts of South Africa to their homes. 735-36.

Silver transaction with England for payment of war debt to America. 623.

Suspension of a candidate from the Intermediate examination by the Superintendent, Ramjas College Centre, Delhi. 736-37.

Technical apprentices in the Calcutta Port Trust workshops. 1022.

Unsatisfactory working of the Ottawa Agreement in some particulars. 624-25.

Unsuitability of the new five-rupee and ten-rupee currency notes. 1748-49.

**DUMPING—**

Question *re* — of Ceylon copra into India. 1047.

**DUTT, MR. AMAR NATH—**

Ajmer-Merwara Juveniles Smoking Bill—

Motion to consider and to pass. 991.  
(Cotton Textile Industry Protection (Second Amendment) Bill—  
Motion to consider. 848, 865, 1067-74.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1239-41, 1242, 1243.

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 780.

Factories Bill—

Motion to refer to Select Committee. 1643, 1644.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1707.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 214, 232-34, 240.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 963.

Motion *re* future Administration of Aden. 1812-13.

Murshidabad Estate Administration Bill—

Consideration of clause 3. 1563-64.

Motion to pass. 1586, 1587.

Question (Supplementary) *re*—

Appointment of Presidents and Members of the Tariff Board from Provinces other than Bombay. 929.

Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed Orissa Province. 8.

Maintenance of the family of Hyder Ali and Tipu Sultan. 3.

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

Removal of Doubts about the Application of the Doctrine of Representation in case of succession to Stridhan under the Dayabhag Bill—

Motions to consider and to circulate. 987-88, 990.

**DUTT, MR. BHUPENDRA KUMAR—**

Question *re* illness of State prisoners, Manoranjan Gupta and —. 1604.

**DUTY (IES)—**

Question *re*—

— on country liquor. 40.

Export — on rice. 451.

Import of motors into India and the — thus realised. 442-43.

Resolution *re* raising of — on foreign cotton imports. 566-79.

**DUTY, HOURS OF—**

Question *re* — of Railway Mail Service sorters. 1446.

**DUTY PASSES—**

See "Pass(es)".

**DUTY SYSTEM—**

Question *re* — of telegraphists and signal room clerks. 1367.

**DUZDAP—**

Question *re* export of foreign sugar to Afghanistan and —. 427.

**E**

**EARNING(S)—**

Question *re* decrease in the — of the piece-workers of the Government of India Presses at Calcutta and Simla. 1847-48.

**EAST AFRICA—**

Question *re*—

Demand for Closer Union of — including Tanganyika with Kenya. 1383-84.

Postal Union in —. 1005-06.

**EAST INDIAN RAILWAY—**

See "Railway(s)".

**EASTERN BENGAL RAILWAY—**

See "Railway(s)".

**EASTERN CIRCLE—**

Question *re* alleged falsification of accounts by a clerk of the office of the Director, Telegraph Engineering, —. 1368-69.

**EATABLE(S)—**

Question *re* consultation with the local Advisory Committees on different Railways in fixing rates for — and aerated water. 273-76.

**ECONOMY—**

Question *re*—

— and retrenchment in the Calcutta Port Trust. 1835, 1834-35.

Suggestions for — on the Railways. 113-14.

**EDIBLE OIL—**

Question *re* import of "—" into India from Japan. 1745-46.

**EDUCATION—**

Question *re* amelioration of the condition of Indian — in British Guiana. 1006.

**EDUCATION, SUPERINTENDENT OF—**

Question *re*—

Possession of a diploma or certificate in the Hindi language by the —, Delhi. 555.

Qualifications possessed by the —, Delhi, in the Gujarati and Mahrathi languages. 555.

**EDUCATIONAL COMMISSIONER—****Question re—**

Retention of the post of the — in the future constitution of India. 252-53.

Retention of the post of the — with the Government of India. 184.

**EDUCATIONAL GRANTS—**

Question *re* — given by the Rohilkund and Kumaon Railway. 756.

**EDUCATIONAL MATTERS—**

Question *re* publication of advertisements in connection with the services and —, etc., in the Gazette. 603-04.

**EDUCATIONAL QUALIFICATIONS—**

See "Qualifications".

**EDUCATIONAL REQUIREMENTS—**

Question *re* — of the new Indian Army. 276.

**EKADASHI DAY—**

Question *re* procession on the — in Shahdara, Delhi. 1458-60.

**ELECTION(S)—**

— of Members to the Salt Industry Committee. 1293-94, 1692.

— of Members to the Select Committee on the Amendment of Standing Orders. 783.

— of members to the Standing Committee for the Department of Commerce. 951.

— of members to the Standing Committee for the Department of Industries and Labour. 951.

— of the Standing Committee for the Department of Commerce. 293.

— of the Standing Committee for the Department of Industries and Labour. 293-94.

**ELECTIVE SYSTEM—**

Question *re* introduction of — in the Quetta Municipality. 180.

**ELECTRIC ENERGY—**

Question *re* rate of — supplied by Military Engineering Services to the Lahore Cantonment Board. 510-11.

**ELECTRIC FAN(S)—**

See "Fan(s)".

**ELECTRIC LIGHT—**

Question *re* — in "D" type quarters in New Delhi. 1755-56.

**ELECTRIC OMNIBUS SERVICE—**

Question *re* Motor and — in Delhi. 1854.

**ELECTRIC POWER—****Question re—**

Purchase of cheap — in preference to its generation by the Great Indian Peninsula Railway. 689.

Refusal by the Rohilkund and Kumaon Railway to supply — to Indian employees. 757.

Supply of — on the Great Indian Peninsula Railway. 1859-60.

**ELECTRICAL MULTIPLE UNIT—**

Question *re* breakdowns to the — equipment on the Great Indian Peninsula Railway. 1860-61.

**ELECTRICAL SUPERVISORS—**

Question *re* selections of — for carrier current work in the Central Telegraph Office, Calcutta. 953.

**ELECTRICIANS—**

Question *re* appointment of Lillooah apprentices as — and Tram Examiners. 1359.

**ELECTRIFICATION—**

Question *re* — of the main line of the Great Indian Peninsula Railway. 1859.

**EMERGENCY PRESS ACT—**

See "Act(s)".

**EMPIRE MARKETING BOARD—**

Question *re* abolition of the —. 1826-27.

**EMPLOYEE(S)—****Question re—**

Alleged unfair treatment of the Railway Officers towards Muslim —. 1096-98.

Discharge of — of the Madras and Southern Mahratta Railway. 1116-17.

Discharge of Madras and Southern Mahratta Railway — considered medically unfit for one class or group. 1115.

Discharge of Railway — in certain departments in the Dinapore Division. 1829-30.

Housing problem of the Indian — of the East Indian Railway at Jamalpur. 16-18.

Insolvent — in certain Government Departments. 1368.

Passes of different classes allowed to Railway —. 452.

Permission to the Telegraph — to work in the race course. 1366.

Rates of allowances drawn by postal — at Darjeeling. 954-55.

Retrenchment of railway —. 1174.

Supply of rule books to the East Indian Railway —. 19.

**EMPLOYMENT OFFICER—**

Question *re* — at the Jamalpur Workshops. 19.

**ENAMEL NAVY GREEN—**

Question *re*—

Tender called for by the Indian Stores Department for —. 1052.

Testing of samples of — by the Government Test House, Alipore. 1053.

**ENAMEL PURPLE BROWN—**

Question *re* supply of — to the Eastern Bengal Railway through the Indian Stores Department. 1053.

**ENGINE(S)—**

Question *re* derailment of an — and some bogies near Chiniot, North Western Railway. 1259.

**ENGINEER(S)—**

Question *re*—

Ground — employed in different flying clubs in India. 365-66.

Training of Marine — in India. 1267-68.

**ENGINEERING CADRE—**

Question *re* removal of surplus posts in the — of the Great Indian Peninsula Railway. 340.

**ENGINEERING DEPARTMENT—**

Question *re* promotion of subordinates in the — of the Great Indian Peninsula Railway. 338.

**ENGINEERING SERVICE(S)—**

Question *re*—

Officers and clerks in the Military — Western Command, Quetta. 686.

Rate of electric energy supplied by Military — to the Lahore Cantonment Board. 510-11.

Representation of Muslims in the clerical staff of the Military —, Western Command, Quetta. 686.

Transfer of certain roads from the Military — to the Lahore Cantonment Board. 511-12.

**ENGINEERING SUPERVISOR(S)—**

Question *re* procedure for recruitment of — in the Posts and Telegraphs Department. 1665.

See also "Supervisor(s)".

**ENGLAND—**

Question *re*—

Gold exported from India since — went off the gold standard. 611.

Non-grant of a passport to Mr. Subhas Chandra Bose to visit —. 178.

**ENGLAND—contd.**

Question *re*—

Payment of War Debt by — to the United States of America with silver acquired from India. 266.

Proposal of restricting the passage of Government Officials, proceeding to —, to British Steamers. 628.

Recruitment of a Foreman in — for the Distribution Section of the Traction Department of the Great Indian Peninsula Railway. 690.

Repayment of War Debts by — out of the silver reserves transhipped from India. 277-78.

Silver transaction with — for payment of war debt to America. 623.

**ENROLMENT—**

Question *re* selection of personnel for — in the combatant ranks of the Indian Air Force. 1483-85.

**ENTRANT(S)—**

Question *re*—

Introduction of new scales of pay for new — to services under the control of the Government of India. 275.

Pay of new — to the Indian Civil Service and the Indian Police Service. 273.

**EQUIPMENT(S)—**

Question *re* breakdowns to the Electrical Multiple Unit — on the Great Indian Peninsula Railway. 1860-61.

**EQUITY—**

Question *re* denial of — and fairplay to Indians in New Zealand. 532-34.

**ESPLANADE TRAM-SHED—**

Question *re* alleged assault on the people at the — in Calcutta. 114-16.

**ESTABLISHMENT BRANCH—**

Question *re* representation of Muslims in the — of the Office of the Chief Medical Officer, North Western Railway. 1285-86.

**ESTABLISHMENT CLERK—**

Question *re* allegations against the late —, Simla Head Post Office. 1664-65.

**ESTABLISHMENT OFFICER—**

Question *re* extension given to the — of the Military Finance Department. 1837.

**ESTATE OFFICER—**

Question *re* forcible acquisition of a bungalow by Military — in Peshawar. 1754.



**EUROPEAN(S)—****Question re—**

Posting of — ex-soldiers with no knowledge of Railway working on the Rohilkund and Kumaon Railway. 756.

Service of — Indian Civil Service or other Officers lent to places outside British India. 935, 1768-71.

Travelling of children of — clerks by the special train running between Summer Hill and Simla. 918-19.

**EUROPEAN SCHOOL—**

Question re distinction between the Oakgrove — and other East Indian Railway Schools. 531.

**EUROPEAN STYLE QUARTERS—**

See "Quarter(s)".

**EVEREST—**

Question re facilities for the Mount — Air Expedition. 439-40.

**EVIDENCE—****Question re—**

Amount paid to each witness invited to give — before the Joint Parliamentary Committee. 748-50.

Application from Jamiat-ul-Ulema for giving — before the Joint Parliamentary Committee. 1035.

— given by the Secretary of State for India and by Sir Malcolm Hailey before the Joint Parliamentary Committee. 543.

Organisations invited for giving — before the Joint Parliamentary Committee. 748-50.

**EXAMINATION(S)—****Question re—**

Admission fee for the — for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460-62.

All-India Royal Air Force —. 1747.  
Competitive — for filling up of vacancies in the Survey of India Department. 945.

Employment of men who passed the second division Secretariat — in certain attached offices. 903-04.

— for Baudot Supervisors and Telegraph Masters. 952.

— for lower division postal clerks held at Delhi. 954.

— for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 458-60.

**EXAMINATION(S)—contd.****Question re—**

— for recruitment of Auditors the Subordinate Railway Audit Service and clerks in the office of the Chief Auditors and Station Railways. 1014-16, 1612.

— for recruitment of new hands in the Wireless Telegraph Department. 524-26.

— for recruitment of postal clerk 37.

— for recruitment to the India Army Service Corps. 764-65.

— for the recruitment of lower division clerks held at the Benares City Post Office. 956  
Officers discharged for failure to pass departmental — in the Income-tax Department in Bengal. 1452.

Permission to postal reserve clerk to appear for confirmation — 1104.

Public Service Commission — for recruitment of clerks for the Government of India. 1834.

Public Service Commission — for the second division of the Secretariat. 904-05.

Public Service Commission — for the Secretariat. 900-01.

Refund of fees to certain candidates not permitted to appear at the Ministerial Service — of the Public Service Commission. 1354-55.

Rules of — for recruitment to the Superior Commercial and Transportation Services. 1676.

Success of a non-matriculate temporary clerk of the Railway Board's Office in the Public Service Commission stenographers' —. 1098-99.

Suspension of a candidate from the Intermediate — by the Superintendent, Ramjas College Centre, Delhi. 736-37.

**EXAMINATION PAPER(S)—**

Question re — of the Post Office Accountants. 1028.

**EXAMINER(S)—****Question re—**

Communal composition of Inspectors and Assistant —, etc. in the Income-tax Department, Sind. 260-61.

Pay of Travelling Ticket — on the East Indian Railway. 632.

# ENCISE REVENUE—

Question re increase or decrease in the — in Delhi. 41.

# EXECUTIVE COMMISSARIAT DEPARTMENT—

See "Commissariat Department".

# EXECUTIVE COUNCIL—

Ruling as to whether a member of the — of the Governor General, who is not a Member of the Assembly, has the right of raising a point of order on the floor of the House. 1692-93.

# EXECUTIVE COUNCILLORS—

Question re Indians in the Indian Civil Service appointed as — in the Provinces. 1672-74.

# EXECUTIVE OFFICER(S)—

Question re—  
Appointment of an — in the Municipal Committee, Ajmer. 378.  
Creation of an All-India cadre for the civilian — of Cantonments. 613.  
— of Cantonments in India. 612.

# EXILE—

Question re permission to Mr. Sailendra Nath Ghose, an —, to return to India. 1384-85.

# EXODUS—

Question re Simla —. 265.

# EXPEDITION—

Question re facilities for the Mount Everest Air —. 439-40.

# EXPENDITURE—

Question re—  
Excess in — under "Pay and Allowances" of Reservist. 606-07.  
— incurred for conveyance of mails by the sub-postmaster, Staff College, Quetta. 1664.  
— incurred on the transmission of publications from the Government of India Press, Calcutta, to the Central Publication Branch, Delhi. 433.  
— of the Indian Railway Conference Association. 618.  
— on Inspectorate in the Administered Areas in Central India. 556.  
— on the Chamber of Princes from the Indian revenues. 190-91.  
Military — in 1930-31. 604.

# EXPORT(S)—

Question re—

— of Bengal and Bihar coal. 1043.  
— of Bihar rice. 688.  
— of silver from India to America. 264.  
Import and — of certain commodities since the ratification of the Ottawa Pact. 245-51.  
Total value of imports and — of India. 1112-13.

# EXPORT DUTY(IES)—

See "Duty(ies)".

# EXPRESS(ES)—

Question re revision of the timings of the Grant Trunk — between Madras and Delhi. 1829.

# EXPRESS TRAINS—

See "Train(s)".

# EXPULSION(S)—

Motion for Adjournment re — order passed by the Commissioner on some residents of the Phulra State. 1225, 1291-92.  
Question re — of certain Chettiers from Indo-China. 1030-32.

# EXTENSIONS—

Question re—

— given to officials with thirty years' service in the Punjab Postal Circle Office. 1111-12.  
— given to the Commissioner and Assistant Commissioner of Income-tax in the United Provinces and the Punjab, respectively. 1375-76.  
— given to the Establishment Officer of the Military Finance Department. 1837.  
— of Trans-Continental Air Service from Karachi to Singapore. 267-69.  
Persons getting — after reaching the age of superannuation in the Deputy Commissioner's Office, Delhi. 940-41.

# EXTERNMENT—

Question re — of one Mr. Ratna Prakash from Delhi. 1378-79.

# EXTRA-DEPARTMENTAL POSTMASTERS—

See "Postmaster(s)".

# F

# FACTORIES BILL—

See "Bill(s)".

**FACTORY(IES)—****Question re—**

Contemplated establishment of mills and — in India by Japan. 104.

Promotion to the rank of chargemen at the Cordite —, Aravankadu. 1743-44.

Registration of the Cordite — Labour Union, Aravankadu. 1742-43.

Stores and stocks in — under the Army Department. 606.

**FACTORY RULE(S)—**

**Question re** application of the — to the Currency Note Press, Nasik. 786-87.

**FAIR(S)—**

**Question re** hardships felt by passengers visiting the — at Ajmer. 435.

**FAMILY(IES)—****Question re—**

Non-grant of an allowance to the — of State Prisoner Mr. Arun Chandra Guha. 1605.

Non-grant of an allowance to the — of State Prisoner Mr. Manoranjan Gupta. 1604-05.

**FAMILY MEDICINE(S)—**

**Question re** revised edition of the "Moore's —". 1678.

**FAN(S)—****Question re—**

Provision of electric — for State Prisoners and detenus in the Trichinopoly jail. 896.

Provision of — in third class carriages on Railways. 1114.

**FARE(S)—**

**Question re** — of different classes on State Railways. 435-36.

**FARM(S)—****Question re—**

Running of the Fruit — at Quetta on commercial lines. 615-16.

Selling price of milk and cream at the Wellington —. 604-05.

**FAST—**

**Question re** Mr. Gandhi's —. 26-30, 1122-23.

**FAZAL HAQ PIRACHA, KHAN SAHIB SHAIKH—****Question re—**

Construction of a road from Delhi to village Basti Chiragh. 557.

Pro-repeater alarm pistols and their detonating discs. 684.

**FAZL-I-HUSAIN, THE HONOURABLE KHAN BAHADUR MIAN SIR—**

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1704-08, 1711.

Indian Medical Council Bill—

Motion to consider. 1880, 1881-83.

**FEDERAL ASSEMBLY—**

**Question re** nomination of a Moplah Member of the Central Legislature to the Committee to be formed for arranging the constituencies of the —. 635.

**FEDERAL CONSTITUTION—**

**Question re** status of Berar in the —. 1671-72.

**FEDERATED MALAY STATES—**

**Question re** grievances of Indians in the —, Indo-China and Siam. 735.

**FEE(S)—****Question re—**

Admission — for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460-62.

— charged for operations performed in the Ripon Hospital, Simla, on the dependents of Government servants. 353-54.

Licence — for *charas* shops in Delhi. 41.

Refund of — to certain candidates not permitted to appear at the Ministerial Service Examination of the Public Service Commission. 1354-55.

**FEROZEPUR—**

**Question re** reduction of the grade of Head Special Ticket Examiner at —, North Western Railway. 1111.

**FERTILISER(S)—**

**Question re** freight on manures and — on the Madras and Southern Mahratta and South Indian Railways. 1018-19.

**FIJI—****Question re—**

Cancellation of the passport of Swami Bhawani Dayal Sanyasi to visit —. 509-10.

Safeguarding the legitimate interests of Indians in —. 1006.

**FILM(S)—**

**Question re** censorship of cinematograph —. 737-38, 925.

**FINANCE(S)—**

**Question re—**

Demand of white-settlers for the control of — of the Kenya Government. 1383.

Demand of white settlers for the control over the — of Kenya. 1008.

**FINANCIAL ADVISER(S)—**

**Question re—**

Appointment of a — to the Chief Commissioner, Andamans. 536.

Recruitment of Deputy —. 1835.

**FIRM(S)—**

**Question re—**

Applications for registration of — received by the Income-tax Officer in Karachi. 1044.

— manufacturing playing cards in India. 907-09, 925-26.

**FISHERIES—**

Question re Officer in charge of the Andamans —. 1748.

**FIVE-RUPEE CURRENCY NOTE(S)—**

**Question re—**

Issue of new ten-rupee and —. 1385.

New ten-rupee and —. 1034-35.

See also "Currency Note(s)".

**FIVE-RUPEE NOTE(S)—**

Question re shortage of — sheets in the Currency Note Press, Nasik. 784.

See also "Note(s)".

**FLYING CLUBS—**

Question re Ground Engineers employed in different — in India. 365-66.

**FOOTBALL GROUND—**

Question re sale of the surplus land at Summer Hill called the —. 751-52.

**FORCED FEEDING—**

Question re — of Mahabir Singh, a late political prisoner in the Cellular Jail, Andamans. 285-86.

**FOREIGN AND POLITICAL DEPARTMENT—**

Question re Indianisation of the Central Cypher Bureau of the —. 1591-95, 1842.

**FOREIGN COMPANY(IES)—**

See "Company(ies)".

**FOREIGN COTTON IMPORTS—**

Resolution re raising of duty on —. 566-79.

**FOREIGN COUNTRY(IES)—**

**Question re—**

Condition of agriculture and industries in —. 1047.

Increase in the import of fruits and vegetables from —. 1117-19.

**FOREIGN MAIL(S)—**

Question re saving effected by the discontinuance of allowance paid to postmen for the delivery of —. 542.

**FOREIGN SUGAR—**

See "Sugar".

**FOREMAN(EN)—**

**Question re—**

Post of Superintending — for the multiple units section of the Traction Department of the Great Indian Peninsula Railway. 690.

Recruitment of a — in England for the Distribution Section of the Traction Department of the Great Indian Peninsula Railway. 690.

**FORFEITURE—**

Motion for Adjournment re — by Government of the *Free Press Journal* deposit. 1119-20.

**FORWARD POLICY—**

See "Policy(ies)".

**FRASER-TYTLER, MAJOR W. K.—**

Oath of Office. 1, 1589.

**FRAUD(S)—**

**Question re—**

-- committed by the departmental and extra-departmental staff in the Bombay Postal Circle. 1473-74.

— committed in the Quetta Post Office. 955.

Ticket — on railways. 1353-54.

**FREE MEDICAL ATTENDANCE—**

See "Medical Attendance".

**FREE PASS(ES)—**

See "Pass(es)".

**FREE PRESS JOURNAL—**

Motion for Adjournment re forfeiture by Government of the — deposit. 1119-20.

**FREIGHT—**

Question re — on manures and fertilisers on the Madras and Southern Mahratta and South Indian Railways. 1018-19.

**FREIGHT RATES—**

Question re reduction of — on Indian Railways. 1115-16.

**FRONTIER—**

Question re transfers from and to non-family and unhealthy stations in the trans — in the Punjab and North-West — Postal Circle. 1664.

**FRUIT(S)—**

Question *re* increase in the import of — and vegetables from foreign countries. 1117-19.

**FRUIT FARM(S)—**

See "Farm(s)".

**FUND(S)—**

Question *re*—

Contribution towards the building — of the Prince of Wales Seamen's Institute. 1670.

Indian Posts and Telegraphs Employees' Mutual Relief —, Lahore. 1283.

**FURNITURE—**

Question *re*—

Audit control of —, etc., of the Government of India Departments. 1835-36.

Tenders for — supplied to the Military Finance Department. 1836-37.

Tenders for supply of — to the Zoological Survey of India. 1855.

**G****GANDHI, MAHATMA—**

Motion for Adjournment *re*—

Alleged scurrilous article in the *Daily Gazette* *re* —. 1388-91, 1419-44.

Facilities given to — in jail. 116, 147-69.

Question *re*—

Alleged attack on — by the *Daily Gazette* of Karachi. 1268-75.

Facilities to — for uplift of Harijans. 768-69.

—'s fast 26-30, 1122-23.

—'s telegram to the Private Secretary to His Excellency the Viceroy and replies thereto. 538-40.

Release of —. 11-12.

Resolution *re* release of —, Mufti Kifaatullah and other political prisoners. 566.

**GANDHI, MR. DEVIDAS—**

Question *re*—

Arrest of — at Delhi. 760-64.

Removal of — to Multan jail in a third class compartment. 1659.

**GARHMUKTESAR—**

Question *re* duties performed by the Railway staff during *melas* at —, Hardwar and Roorkee. 1462.

**GARHWALI(S)—**

Question *re* recruitment of — Hindus in the Quetta Head Post Office as packers and postmen. 954.

**GAUD BRAHMANS—**

Question *re* appointment of Adya — in the Currency Note Press, Nasik. 785.

**GAZETTE(S)—**

Question *re*—

*Indian Railway* — of Calcutta. 630-31.

Publication of advertisements in connection with the services and educational matters, etc., in the —. 603-04.

**GAZETTED OFFICER(S)—**

Question *re* non-treatment of Head Masters of the East Indian Railway Indian High Schools as —. 529-30.

See also "Officer(s)".

**GAZETTED RANK—**

Question *re* vacancies in the — in the Railway Services. 1259-60.

**GAZETTED STAFF—**

Question *re* strength of the non— in the Office of the Accountant General, Posts and Telegraphs. 200.

See also "Staff".

**GENEOLOGICAL TABLE—**

Question *re* — of the Delhi Royal family prepared by the Chief Commissioner of Delhi. 41-47.

**GENERAL POST OFFICE—**

See "Post Office(s)".

**GENERAL SECRETARY—**

See "Secretary(ics)".

**GERMAN—**

Question *re*—

Arrest and deportaton of Mr George Mraz who was running a — Therapeutic Institute in Delhi. 625.

Licence for Tell and Diana brand — air pistols in Bengal. 685.

Restrictions in Burma and Bengal for — automatic repeatent alarm pistols. 685.

**GHADAR PATY—**

Question *re* reports of Mr. I. M. Pekham, United States Attorney, about the — magazine. 457.

**GHOSE, MR. SAILENDRA NATH—**

Question *re* permission to —, an Exile, to return to India. 1384-85.

**GHOSE, THE HONOURABLE SIR BEPIN BEHARY—**

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 398-406, 408, 410.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 956-58.

Indian Arbitration (Amendment) Bill—

Motion to consider. 1714-15.

Motion to pass. 1715.

Murshidabad Estate Administration Bill—

Consideration of clause 3. 1564.

Consideration of clause 4. 1570.

Consideration of clause 7. 1572.

Motion to pass. 1585-88.

Oath of Office. 1.

Removal of Doubts about the Application of the Doctrine of Representation, in case of succession to Stridhan under the Dayabhag Bill—

Motion to circulate. 988-90.

**GHOSH, MR. SURENDRA MOHAN—**

Question re—

Application for transfer from the Rajahmundry jail of State Prisoners Messrs. — and Jivan Lal Chatterjee. 517-18.

Condition of State Prisoners Messrs. — and Jivan Lal Chatterjee. 517.

Present condition of the health of State Prisoner —. 516-17.

**GHOSH, PROFESSOR J. C.—**

Question re illness of —, a political prisoner. 1835.

**GHULAM MUHAMMAD, B.—**

Question re dismissal of one —, a clerk in the Office of the Chief Medical Officer, North Western Railway. 1287.

**HUZNAVI, MR. A. H.—**

Motion for Adjournment re alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1419.

**HUZNAVI, MR. ISMAIL—**

Question re refusal to allow — to proceed to Mecca for Haj pilgrimage. 1659-61.

**HIDNEY, LIEUT.-COLONEL SIR HENRY—**

Question re periodical inspection of stations on the East Indian Railway by the Inspectors of Accounts 380.

**HILGIT—**

Question re present political and administrative position of — 190. 1174.

**GLANCY MR. B. J.—**

Motion for Adjournment re expulsion order passed by the Commissioner on some residents of the Pithura State. 1225, 1291, 1292.

Murshidabad State Administration Bill—

Motions to consider and to refer to Select Committee. 724-25, 728, 1121.

Motion to consider. 1558.

Consideration of clause 3. 1564-65.

Consideration of clause 4. 1570.

Consideration of clause 7. 1571.

Consideration of clause 11. 1574.

Consideration of clause 22, 1577, 1578.

Motion to pass. 1578.

Oath of Office. 599.

**GLASS INDUSTRY—**

See "Industry(ies)".

**GOLD—**

Question re—

— and silver held in the Currency Department. 1349-50.

— exported from India since Great Britain went-off the — standard 444-45, 611.

**GOLD BULLION—**

Question re — in reserve in the currency. 601.

**GOLD RESERVE(S)—**

Question re — and silver reserves in India. 448-49.

**GOLD STANDARD—**

Question re gold exported from India since Great Britain went-off the —. 444-45, 611.

**GOODS—**

Question re—

Contracts for building and supplying —, etc., in the Government Forms Press, Aligarh. 1289.

Preference to — manufactured in India. 1124.

**GOVERNING BODIES—**

Question re — of the East Indian Railway schools for Indians. 1254-55.

**GOVERNMENT(S)—**

Question re—

—'s share in Company-managed Railways. 455-56.

Representations to — of Mr. Aziz Hindi, a State Prisoner. 1455.

Rules for suing — for breach of trust in respect of service conditions, etc., 1658.

Service Unions, Associations, etc., recognised by —. 1047-51.

Transfer of Aden to His Majesty's —. 171-72.

# GOVERNMENT DEPARTMENT(S)—

Question *re* insolvent employees in certain —. 1368.

# GOVERNMENT FORMS PRESS—

- Question *re*—  
 Allegations against the Head Clerk,  
 —, Aligarh. 1289-90.  
 Contracts for building and supply-  
 ing goods, etc., in the —, Aligarh.  
 1289.  
 Income of the Accountant, —,  
 Aligarh. 1289.  
 Recruitment of Muslim employees in  
 the —, Aligarh. 1289.

# GOVERNMENT MILITARY DAIR- IES—

- Question *re* profit and loss of the —.  
 1280-81.

# GOVERNMENT OF INDIA—

- Question *re*—  
 Admission fee for the examination  
 for recruitment of Assistants and  
 clerks in the — Secretariat and  
 Attached Offices. 460-62.  
 Advisory and Standing Committees  
 of the various departments of the  
 —. 290.  
 Amount contributed by the — to  
 different provinces for the benefit  
 of agriculture. 450.  
 Audit control of furniture, etc., of  
 the — Departments. 1835-36.  
 Contribution by the — to certain Pro-  
 vincial Governments for construc-  
 tion of Government buildings. 290.  
 Employment of States subjects under  
 the —. 1590-91.  
 Examination for recruitment of Assis-  
 tants and clerks in the — Secre-  
 tariat and Attached Offices. 458-  
 60.  
 — Departments with no Sikhs,  
 Indian Christians, Depressed  
 Classes and Parsis. 1596.  
 Grant of benefit of enjoying the old  
 scales of pay to the retrenched  
 staff of the — Secretariat on re-  
 employment. 758.  
 Holding up of confirmations of sub-  
 ordinates in the — Secretariat and  
 Attached Offices. 758-59.  
 House rent allowance granted to  
 the — staff in New Delhi. 1757.  
 Introduction of leave reserve and new  
 scales of pay in the — Offices.  
 1678.  
 Introduction of new scales of pay  
 for new entrants to services under  
 the control of the —. 273.  
 Modification of recruitment rules of  
 the — Secretariat staff. 1750-51.  
 Muslims of Bengal, Punjab and other  
 provinces in the — Secretariat and  
 attached offices. 919-20.  
 New pension rules of the —. 1757.

# GOVERNMENT OF INDIA—contd.

- Question *re*—  
 Occupation of quarters in New Delhi  
 by the staff of the — after they  
 become out of class. 1681.  
 Public Service Commission examina-  
 tion for recruitment of clerks for  
 the —. 1834.  
 Ratio of the number of Superinten-  
 dents to Assistants and clerks in  
 the — offices. 1680.  
 Recruitment of Bengal Muslims in  
 services under the —. 1825-26.  
 Recruitment of ministerial staff of  
 the — Secretariat and attached  
 offices. 930-34.  
 Representation of Muslims in the  
 services under the control of the  
 —. 439.  
 Representation of the — at the Inter-  
 national Wheat Conference. 1258-  
 59.  
 Retention of the post of the Educa-  
 tional Commissioner with the —.  
 184.  
 Rules of hospitals under the admini-  
 stration of the —. 356.  
 Silver bars left in stock with the —  
 after payment of the same to  
 America as a War debt. 611.

# GOVERNMENT OF INDIA PRESS(ES)—

- Question *re*—  
 Decrease in the earning of the piece-  
 workers of the — at Calcutta and  
 Simla.—1847-48.  
 Expenditure incurred on the trans-  
 mission of publications from the  
 —, Calcutta, to the Central Publi-  
 cation Branch, Delhi. 433.  
 Faulty check over compositors' work  
 in the — at Calcutta and Simla.  
 1848-49.  
 Introduction of Lino. Machines in  
 the —. 1843-44.  
 Lino. and Mono. Operators of the  
 —. 1846-47.  
 Memorial of Inkmen of the —,  
 Calcutta. 1844-45.  
 Memorial of temporary piece-workers  
 of the —, Calcutta. 1845.  
 Non-payment to piece-workers in the  
 — on certain Bank holidays. 1849.  
 Proposed shifting of the —, Calcutta,  
 to Delhi. 1842-43.  
 See also "Press(es)".

# GOVERNMENT OF INDIA SECRE- TARIAT—

- See "Secretariat".

# GOVERNMENT OFFICE(S)—

- Question *re* change of timings of the  
 Army Headquarters special train  
 or of office hours of — in Simla.  
 1470.

**GOVERNMENT OFFICIAL(S)—**

See "Official(s)".

**GOVERNMENT SERVANT(S)—**

Question *re*—

Ban on — from joining the Indian Medical Association as Members. 280.

Fees charged for operations performed in the Ripon Hospital, Simla, on the dependants of —. 353-54.

Free medical attendance by the Civil Surgeons, Simla to Indian —. 354-55.

Issue of Railway passes to — instead of granting travelling allowance. 452-53.

Medical aid to non-gazeted —. 353.

Purchase of shares by — in Joint stock companies. 1252.

Rules for recognition of —' organisations. 1370.

**GOVERNMENT SERVICE—**

Question *re*—

Fixation of percentage for appointments in — for Muslims and other communities. 87-90.

• Retirement of superannuated men from —. 1839-40.

**GOVERNOR GENERAL—**

—'s assent to Bills. 38-39.

Ruling as to whether a member of the Executive Council of the —, who is not a Member of the Assembly, has the right of raising a point of order on the floor of the House. 1692-93.

**GRAHAM, SIR LANCELOT—**

Indian Income-tax (Second Amendment) Bill—

Consideration of clauses, 710, 711, 712, 713, 714

Indian Medical Council Bill—

Consideration of clause 18. 1884.

Indian Railways (Amendment) Bill—

(Amendment of section 51)—

Motion to pass. 706, 707-08.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1078, 1085, 1086, 1087, 1088.

Murshidabad Estate Administration Bill—

Consideration of clause 10. 1573.

Oath of Office. 1.

Resolution *re* amendment of Rule relating to the constitution of the Committee on Public Accounts. 1896.

Workmen's Compensation (Amendment) Bill—

Motion to amend sub-clause (a) of clause 14. 117.

Motion to amend clause 21. 127, 130.

**GRAIN—**

Question *re* purchase of — for the Military and Management of the depots. 740-42.

**GRAND CHORD—**

Question *re*—

Diversion of the East Indian Railway, Punjab Mails from the main line to the —. 33-34, 336-38, 609.

Trains running on the — and main line of the East Indian Railway between Howrah and Moghalsara. 609-10.

**GRAND TRUNK EXPRESS—**

Question *re* revision of the timings of the — between Madras and Delhi. 1829.

**GRANTHAM, MR. S. G.—**

Oath of Office. 2.

**GRANTS-IN-AID—**

Question *re* — to Local Bodies in the Cantonments. 512-13.

**GREAT BRITAIN—**

Question *re*—

Difficulties experienced by Indian Students in the Universities in —. 556-57.

Gold exported from India since — went off the gold standard. 444-45.

Sale of silver to —. 1113.

**GREAT INDIAN PENINSULA RAILWAY—**

See "Railway(s)".

**GREAT WAR—**

Question *re*—

Committee on the — Pensions. 599-600.

Leave and pension of military employees invalided during the —. 770-73.

Pension of certain military men increased by re-employment during the —. 787-88.

See also "War".

**GRIEVANCE(S)—**

Question *re*—

Alleged — against the Municipal Committee, Ajmer. 377-78.

— of apprentices working in the Deputy Commissioner's Office, Delhi. 941.

— of Indians in the Federated Malay States, Indo-China and Siam. 735.

— of Muslims against the Medical Department of the North Western Railway. 1283-84.

— of the employees of the Rohilkund and Kumaon Railway. 755.

— of the Indian shipping companies. 1267.



**GRIEVANCE(S)—*contd.*****Question *re*—**

- of the Muslim employees of the Dehra Dun Postal Division. 36 37.
- of the staff of the Central Publication Branch. 899-900.
- of the State Prisoners confined in the Damoh Sub-Jail. 280-83.
- of the Telegraph staff. 1371-72.

**Resolution *re* —** of the travelling public on the Assam Bengal Railway. 1164-69.

**GROUND ENGINEERS—**

*See* "Engineer(s)".

**GROUP SYSTEM—**

**Question *re* —** of ticket checking on the North Western Railway. 732.

**GUARD(S)—****Question *re*—**

Applications for leave by the — on the East Indian Railway. 1838-39.

Case of one Mr. Bharthi, ex—, East Indian Railway. 1336-38.

Non-posting of unqualified — as Assistant Station Masters on Indian Railways. 1675-76.

Pay of — on the East Indian Railway. 632.

Promotion of — to the Assistant Station Masters cadre in the Delhi Division of the North Western Railway. 526-27.

Promotion of Indian Assistant Station Masters as — in the Moradabad and Lucknow Divisions, East Indian Railway. 293.

Recruitment of — in the Moradabad Division, East Indian Railway. 1850-51.

Suppression of Indian Assistant Station Masters by European and Anglo-Indian — on the East Indian Railway. 632-33.

**GUHA, MR. ARUN CHANDRA—**

**Question *re* non-grant of an allowance to the family of State Prisoner —.** 1605.

**GUHA ROY, MR. NIKHIL RANJAN—**

**Question *re* acquittal of — by the Calcutta High Court.** 1606-07.

**GUJRATI—**

**Question *re* qualifications possessed by the Superintendent of Education, Delhi, in the — and Marathi Languages.** 555.

**GUNJAL, MR. N. R.—**

**Demand for Supplementray Grant in respect of "Civil Aviation".** 1905.

**GUNJAL, MR. N. R.—*contd.*****Resolution *re*—**

Amendment of Rule relating to the constitution of the Committee on Public Accounts. 1897.

Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1892.

**GUNNY BAGS—**

**Question *re* —** and packing cases purchased by the Central Publication Branch. 900.

**GUPTA, MR. KESHAV CHANDRA—**

**Question *re* maltreatment of — a political prisoner.** 921

**GUPTA, MR. MANORANJAN—****Question *re*—**

Illness of State Prisoners — and Mr. Bhupendra Kumar Dutt. 1604.

Non-grant of an allowance to the family of State Prisoner —. 1604-05.

**GURDASPUR—**

**Question *re* provision of certain necessities to Kalanaur, District —.** 1036-37.

**GURKHA SEPOY—**

*See* "Sepoy(s)".

**H****HAIG, THE HONOURABLE SIR HARRY—**

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate 234-35.

Indian States (Protection) Bill—

Motion for leave to introduce. 294.

Motions to refer to Select Committee

and to circulate. 1077-85, 1184

1205, 1206, 1211, 1216-17, 1218,

1219, 1225-26.

Motion for Adjournment *re*—

Alleged scurrilous article in the *Daily Gazette*, *re* Mahatma Gandhi. 1434, 1435-36, 1439, 1440, 1444.

Facilities given to Mahatma Gandhi in jail. 159, 161-63, 168.

**HAILEY, SIR MALCOLM—**

**Question *re* evidence given by the Secretary of State for India and by — before the Joint Parliamentary Committee.** 543.

**HAIJ—**

**Question *re* refusal to allow Mr. Ismail Ghuznavi to proceed to Mecca for — pilgrimage.** 1659-61.

**HAI ENQUIRY COMMITTEE—**

Question *re*—  
Confidential report submitted by  
the —. 739-40.  
Recommendations of the —. 615.

**HAI PILGRIMS—**

See "Pilgrim(s)".

**HARBANS SINGH BRAR, SIRDAR—**

Demand for Supplementary Grant in  
respect of "New Capital  
Works at Delhi". 1241-43.

Indian Railways (Amendment) Bill—  
Motions to consider to re-circulate  
and to recommit to Select Com-  
mittee. 482-83.

Indian States (Protection) Bill—  
Motions to refer to Select Com-  
mittee and to circulate. 1207,  
1222-23, 1224, 1226.

Question *re* income-tax assessed on the  
income of (Rai Bahadur Banarsi  
Das of Ambala. 1252-53.

Question (Supplementary) *re* construc-  
tion of new quarters for Members  
of the Legislature in New Delhi.  
• 346.

**HARDSHIP(S)—**

Question *re*—  
Complaints and — of Indians in  
the Panamanian countries,  
America. 463.  
— felt by passengers visiting the  
fair at Ajmer. 435.

**HARDWAR—**

Question *re*—  
Adh-Kumbh *Mela*, —. 1823-24,  
1824-25.  
Arrangements for the Adh-Kumbh  
*Mela*, 1933, at —. 1463.  
Duties performed by the Railway  
staff during *melas* at Garhmuk-  
tesar, — and Roorkee. 1462.

**HARI RAJ SWARUP, LALA—**

Cotton Textile Industry Protection  
(Second Amendment) Bill—  
Motion to consider. 1060-61.  
Murshidabad Estate Administration  
Bill—  
Consideration of clause 7. 1571

Question *re*—  
Agreement on the production of  
sugar reached in the World Eco-  
nomic Conference in London. 493.  
Rights and duties of the Vice-  
President of a Cantonment Board.  
499.

Resolution *re* proprietary rights of  
citizens in the land. 1147-48.

**HARIJAN(S)—**

Question *re* facilities to Mahatma  
Gandhi for uplift of —. 768-69.

**HARIPUR—**

Question *re* allegations in regard to  
punishments, etc., meted out to  
political prisoners in the — Central  
Jail. 1122.

**HASSAN, MR. K. M.—**

Question *re* action taken on the recom-  
mendations contained in —'s re-  
port. 455.

**HAULAGE ALLOWANCE—**

See "Allowance(s)".

**HEAD CLERK—**

See "Clerk(s)".

**HEAD MASTER(S)—**

Question *re* non-treatment of — of the  
East Indian Railway Indian High  
Schools as Gazetted Officers. 529-  
30.

**HEAD MISTRESS(ES)—**

Question *re* first class railway passes  
allowed to the — of the Oakgrove  
School. 453.

**HEAD POST OFFICE—**

See "Post Office(s)".

**HEAD POSTMAN(EN)—**

See "Postman(en)".

**HEALTH—**

Question *re*—  
Condition of the — of certain  
political prisoners in the Cellular  
Jails, Andamans. 361-62

Condition of the — of Mukul Ranjan  
Sen and Biren Roy, political  
prisoners in the Andamans.  
360-61.

Present condition of the — of State  
Prisoner Mr. Surendra Mohan  
Ghosh. 516-17.

Present state of — of Benoyendra  
Nath Roy Chaudhury, a State  
Prisoner in the Rajahmundry  
Jail. 920.

Reply of telegrams enquiring about  
the — of political prisoners in the  
Cellular Jail, Andamans. 362-63.

**HEALTH OFFICER—**

Question *re* communal composition of  
the staff in the office of the Chief  
Medical and —, North Western  
Railway. 1284-85.

**HEDJAZ—**

Question *re* difficulties and hardships  
of pilgrims returned from —. 9-11.

**HEDJAZ PILGRIMS (MUALLIMS)**

**BILL—**

See "Bill(s)".

**HIGH COMMISSIONER FOR INDIA—**Question *re—*

Employment of Indians in the office of the —, 1016.

Retrenchment of Indians employed in the office of the —, 1015-16.

Statements (laid on the table) *re* the lowest tenders not accepted by the — in purchasing stores. 287-89.**HIGH COURT(S)—**Question *re—*

Acquittal of Mr. Nikhil Ranjan Guha Roy by the Calcutta —, 1606-07.

Appointment of a Sikh as a Judge in the Lahore —, 940.

Communal composition of the Judges of — and Chief Courts. 906.

Increase in the number of Muslim Judges in the Calcutta —, 907.

Keeping of the Calcutta — in the New Constitution on different footing from that of other —, 750.

Proposed transfer of the seat of the — from Allahabad to Lucknow. 1255.

**HIGH SCHOOL(S)—**

See "School(s)".

**HILL ALLOWANCE—**

See "Allowance(s)".

**HILL SECTIONS—**Question *re* increase of free luggage allowance on —, 1114-15.**HILL STATION(S)—**Question *re* Holiday Homes maintained by the North Western Railway at —, 1558-59.**HINDI—**Question *re* possession of a diploma or certificate in the — language by the Superintendent of Education, Delhi. 555.**HINDU(S)—**Question *re—*

Appointment of — Superintendents in the Punjab Postal Circle. 1667.

Calling of Indians as — in the United States of America. 457-58.

Declaration of — community as Minority Community for recruitment in the Punjab and North-West Frontier Postal Circle. 1666.

Discharge of certain — clerks from the office of the Chief Accounts Officer, North Western Railway. 1668-70.

**HINDU(S)—*contd.***Question *re—contd.*

Discharge of certain — in the Dehra Dun Head Post Office. 1685-86.

Grant of enhanced salaries to — Assistant Surgeons with English qualifications. 1285.

Management of the — Refreshment Room at Lahore Railway Station. 1010-13.

Posting of — Superintendents in the Punjab and North-West Frontier Postal Circle. 1683.

Recruitment of Garhwali — in the Quetta Head Post Office as packers and postmen. 954.

Replacement of a few Muslims by — in the inferior establishment of the Jhelum Head Post Office. 1688.

Retrenchment of — in certain Railway Mail Service Divisions. 1380-81.

Retrenchment of — in the Punjab and North-West Frontier Postal Circle. 1380.

Sindhi — discharged from the Office of the Chief Engineer, Survey and Construction, North Western Railway. 380.

Troubles of the — of the Alwar State. 185-86.

**HINDU RAO HOSPITAL—**Question *re* racial discrimination in the fixation of hospital charges in the —, Delhi. 355-56.**HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL—**

See "Bill(s)".

**HINDU WIDOWS—**

See "Widow(s)".

**HINDU WIDOW'S RIGHT OF MAINTENANCE BILL—**

See "Bill(s)".

**HIS MAJESTY'S GOVERNMENT—**Question *re* transfer of Aden to —, 171-72.**HISSAR—**Question *re* compulsory attendance of the staff of the — Head Post Office on a holiday. 1379-80.**HISTORY OF THE RUSSIAN REVOLUTION—**Question *re* prohibition of the importation into India of Trotsky's —, 95.

**HOLIDAY(S)—**

**Question re—**

Compulsory attendance of the staff of the Hissar Head Post Office on a —. 1379-80.

Non-payment to piece-workers in the Government of India Presses on certain Bank —. 1849.

**HOLIDAY HOMES—**

**Question re —** maintained by the North Western Railway at hill stations. 1658-59.

**HOME DISTRICT(S)—**

See "District(s)".

**HOON, MR. A.—**

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 1065-66.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 328-30.

**Question (Supplementary) re** alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi, 1275.

\*Untouchability Abolition Bill—

Motion to circulate. 1000.

**HOPPER, MR. JAMES ROWLAND—**

**Question re** insolvency of —, an employee of the Central Publication Branch. 1475-76.

**HORSE-BREEDER(S)—**

**Question re** conference of — of the Jhelum Canal Colonies. 519-22.

**HORSE-BREEDING—**

**Question re —** in the Jhelum Canal Colonies. 518-19, 522-24.

**HOSPITAL—**

**Question re—**

Civil —, Delhi. 201.

Civil Surgeon in charge of Ripon — in Simla. 355.

Doctors in charge of — on pilgrim ships. 621.

Employment of Muslim doctors and — assistants on pilgrim ships. 621.

Location of the existing Infectious Diseases Isolation —, Delhi. 557-58.

Military — in India. 791-95.

Non-admission of Indians in the Walker and Portmore —, Simla. 356.

Racial discrimination in the fixation of hospital charges in the Hindu Rao —, Delhi. 355-56.

Rules of — under the administration of the Government of India. 356.

**HOSPITAL ASSISTANT(S)—**

**Question re—**

Employment of Muslim doctors and — on pilgrim ships. 621.

**HOSPITAL CHARGES—**

**Question re** racial discrimination in the fixation of — in the Hindu Rao Hospital, Delhi. 355-56.

**HOURLY(S) OF EMPLOYMENT—**

**Question re** clerks employed on work connected with — regulations on the North Western Railway. 1674-75.

**HOURS OF REST—**

**Question re** introduction of new system of — on the East Indian Railway. 633.

**HOUSE(S)—**

**Question re** proposed demolition of certain — in the Secunderabad Cantonment. 686-87.

**HOUSE RENT—**

**Question re—**

Grant of — to clerks unwilling to occupy Summer Hill quarters. 1469-70.

— charged from the Ministerial Staff of the Civil Departments. 350-51.

**HOUSE RENT ALLOWANCE—**

See "Allowance(s)".

**HOUSING PROBLEM—**

**Question re —** of the Indian employees of the East Indian Railway at Jamalpur. 16-18.

**HOWRAH—**

**Question re—**

Introduction of a faster train *via* Loop Line from — to Delhi. 1854-55.

Trains running on the Grand Chord and main line of the East Indian Railway between — and Moghal-sarai. 609-10.

**HUDSON, SIR LESLIE—**

Appointment of — on the Committee on Petitions. 462.

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 779-80.

Expressions of regret on the death of—

Mr. B. N. Misra. 1863.

Mrs. Annie Besant. 1919.

Indian Income-tax (Third Amendment) Bill—

Motion to refer to Select Committee. 717.

**HUDSON, SIR LESLIE—*contd.***

Motion *re* Future Administration of Aden. 1806, 1811-12, 1813.

Nomination of — to the Panel of Chairmen. 462.

Question *re* abolition of the Empire Marketing Board. 1826-27.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1485-88.

Resolution *re* raising of duty on foreign cotton imports. 574-75.

**HUNGER-STRIKE—**

Question *re*—

Death of prisoners from — in the Andamans. 279.

— by certain political prisoners in the Andamans. 110, 335-36, 364, 1597, 1603.

— by detenus in the Deoli Detention Camp. 373.

Sending or receiving of communications by prisoners joining — in the Cellular Jail, Andamans. 1598.

**HYDER-ALI—**

Question *re* maintenance of the family of — and Tipu Sultan. 2-4.

**I****IBRAHIM ALI KHAN, LIEUT., NAWAB MUHAMMAD—**

Question *re*—

Examination for recruitment of postal clerks. 37.

Grievances of the Muslim employees of the Dehra Dun Postal Division. 36-37.

Inadequate appointments of Muslims as temporary Assistant Income-tax Officers in the United Provinces. 90-91.

Location of the existing Infectious Diseases Isolation Hospital, Delhi. 557-58.

Muslims appointed in the Mussoorie Head and Sub-Post Offices in the inferior Cadre. 1445.

**IDUL-FITR—**

Question *re* facilities given to Muslim employees of the State Railways to perform Idul-Zuha and — prayers. 544.

**IDUL-ZUHA—**

Question *re* facilities given to Muslim employees of the State Railways to perform — and Idul-Fitr prayers. 544.

**ILLNESS—**

Question *re*—

— of Khan Abdul Ghaffar Khan's brother. 1036.

— of prisoners in the Andamans. 1603.

— of Professor J. C. Ghosh, a political prisoner. 1835.

— of Saroj Ranjan Acharya a detenu in the Deoli Detention Camp. 372-73.

— of State Prisoners, Manoranjan Gupta and Bhupendra Kumar Dutt. 1604.

**IMMIGRANTS—**

Question *re* — left stranded at Akra, Kidderpore. 358-59.

**IMPERIAL BANK OF INDIA—**

Question *re* subscribed capital of the —. 602.

**IMPERIAL BANK OF INDIA (AMENDMENT) BILL—**

See "Bill(s)".

**IMPERIAL COASTING TRADE—**

Question *re* reservation of the — to British ships. 1263-64.

**IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH—**

Question *re*—

Filling up of vacancies in the —. 1760.

Research work on behalf of the — done at Agra. 1762.

Staff employed on the "research side" of the —. 1763-64.

Staff serving under the — in connection with locust campaign. 1761-62.

Statistical section of the —. 1764-65.

**IMPERIAL LIBRARY—**

Question *re* shifting of the — to New Delhi. 508-09.

**IMPORT(S)—**

Question *re*—

— and export of certain commodities since the ratification of the Ottawa Pact. 245-51.

— of copper sulphate into British India. 1016-17.

— of cotton textile and yarn, etc., through Kathiawar Ports. 1464.

— of "Edible Oil" into India from Japan. 1745-46.

— of motor cars designed to run without petrol from Japan. 1365.

— of playing cards into British India from Japan. 1117.

**IMPORT(S)—contd.**

**Question re—contd.**

- of rubber hose into British India. 1017-18.
- of sugar through Kathiawar Ports. 1464.
- Inclusion in the sea-borne trade volume of statistics of — through Kathiawar Ports. 1465.
- Increase in the — of fruits and vegetables from foreign countries. 1117-19.
- Total value of — and exports of India. 1112-13.
- Resolution *re* raising of duty on foreign cotton —. 566-79.

**IMPORTATION—**

- Question *re* prohibition of the — into India of Trotsky's History of the Russian Revolution. 95.

**INCHAPE COMMITTEE—**

- Question *re* amendment of leave rules as recommended by the —. 616.

**INCOME(S)—**

**Question re—**

- \* Assessment of income-tax from Government employees having a private — of over Rs. 1,000. 495.
- from income-tax and super-tax from each Province. 1758-59.
- of the Accountant, Government Forms Press, Aligarh. 1289.
- since the increase in the price of Post card. 1746-47.
- Income-tax assessed on the — of Rai Bahadur Banarsi Das of Ambala. 1252-53.
- Reduction in the — of the Commissioners for the Port of Calcutta. 1021.

**INCOME-TAX—**

**Question re—**

- Agitation of the white settlers in Kenya against —. 1007.
- Amount of — collected in Calcutta. 1472.
- Assessee to — and super-tax and Assistant Commissioners engaged in appellate work in certain provinces. 934-35.
- Assessment of — from contractors in Sind. 259.
- Assessment of — from Government employees having a private income of over Rs. 1,000. 495.
- Assessment of — in Calcutta. 1472.
- Extensions given to the Commissioner and Assistant Commissioner of — in the United Provinces and the Punjab, respectively. 1375-76.
- Income from — and super-tax from each Province. 1758-59.
- and super-tax paid by the tea-planters in Assam. 1757-58.

**INCOME-TAX—contd.**

**Question re—contd.**

- assessed on the income of Rai Bahadur Banarsi Das of Ambala. 1252-53.
- circulars issued by the Central Board of Revenue. 1472.
- Payment of refunds to — assessee. 278-79.
- Transfer of the Supaul and Madhipura Sub-Divisions in the Bhagalpur District to Purnea District for — purposes. 278.
- Translation of the form of notice of demand of — in Sindhi. 259.

**INCOME-TAX ACT—**

- See "Indian —" under "Act(s)".

**INCOME-TAX COMMISSIONER—**

**Question re—**

- Appeals pending before each Assistant — in the United Provinces. 493-95.
- Recruitment of Sikhs in the office of the —, Punjab and North-West Frontier Province. 507.

**INCOME-TAX DEPARTMENT—**

**Question re—**

- Communal composition of Inspectors and Assistant Examiners, etc., in the —, Sind. 260-61.
- in Bengal. 1452-54.
- Officers discharged for failure to pass departmental examination in the — in Bengal. 1452.
- Recruitment of Sikhs in the — Punjab and North-West Frontier Province. 507-08.
- Retrenchment in the — Bengal. 1454-55.
- Saving effected by the retrenchment of seven officers in the —, Bengal. 1454.

**INCOME-TAX OFFICERS—**

**Question re—**

- Abuse of discretionary powers vested in the — at Calcutta. 1471.
- Additional — and Assistant —, Karachi. 257-58.
- Applications for registration of firms received by the — in Karachi. 1044.
- Inadequate appointments of Muslims as temporary assistant — in the United Provinces. 90-91.
- and Assistant — appointed in Bengal. 1451.
- Retrenchment of — in Bihar and Orissa. 40.

**INCOME-TAX (AMENDMENT) BILL—**

- See "Indian —" under "Bill(s)".

**INCOME-TAX (SECOND AMENDMENT) BILL—**

See "Indian ——" under "Bill(s)".

**INCOME-TAX (THIRD AMENDMENT) BILL—**

See "Indian ——" under "Bill(s)".

**INCREMENT(S)—**

Question *re*—

Grant of — to the officials of the Sorting Office, Madras General Post Office. 1851.

Non-grant of advance — to the staff of the Central Publication Branch on their transfer to Delhi. 367-68.

**INDARPRASTHA STORES—**

Question *re* liquidation of the — Delhi. 1756.

**INDEBTEDNESS—**

Question *re* — of gazetted officers in the Telegraph Department. 1368.

**INDENT(S)—**

Question *re* — placed by the Great Indian Peninsula Railway with the Indian Stores Department. 202-207.

**INDIAN(S)—**

Question *re*—

Amelioration of the condition of — in the Lake Province in Tanganyika. 1007-08.

Appointment of an — as Director General, Indian Medical Service, or as Public Health Commissioner in India. 923-25.

Calling of — as Hindus in the United States of America. 457-58.

Complaints and hardships of — in the Panamanian countries, America. 463.

Denial of equity and fairplay to — in New Zealand. 532-34.

Employment of — in the office of the High Commissioner for India. 1016.

European style quarters for — in the Currency Note Press, Nasik. 785-86.

Exploration of the possibility of making Brazil, British Guiana, or some other places as a possible outlet for the South African —. 105.

Governing bodies of the East Indian Railway Schools for —. 1254-55.

Grievances of — in the Federated Malay States, Indo-China, and Siam. 735.

— students outside India. 272.

**INDIAN(S)—*contd.***

Question *re*—*contd.*

— in the Indian Civil Service appointed as Executive Councillors in the Provinces. 1672-74.

Non-admission of — in the Walker and Portmore Hospitals in Simla. 356.

Non-admission of — to the Prince of Wales Seamen's Institute, Bombay. 1267.

Number and percentage of — in New Zealand. 532.

Overlooking of claims of trained — in the Jamalpur Workshop, East Indian Railway. 545.

Promotion of — Assistant Station Masters to the posts of Platform Assistants on the East Indian Railway. 465-66.

Racial restrictions against — to buy land in Kenya. 1003.

Recruitment of — to the Indian Air Force. 1676-77.

Retrenchment of — employed in the office of the High Commissioner for India. 1015-16.

Rules for recruitment of — to the Indian Army Veterinary Corps. 364-65.

Safeguarding the legitimate interests of — in Fiji. 1006.

Sending back of repatriated — from Natal and other parts of South Africa to their homes. 735-36.

**INDIAN AIR FORCE—**

Question *re*—

Recruitment of Indians to the —. 1676-77.

Selection of personnel for enrolment in the combatant ranks of the —. 1493-85.

**INDIAN ARBITRATION (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN ARMY—**

Question *re* nomination of the — soldiers to the Indian Military Academy, Dehra Dun. 909-12.

See also "Army".

**INDIAN ARMY ORDNANCE CORPS**

Question *re*—

Indianisation in the —. 1610.

Promotion of Storemen in the —. 1608-09, 1610-11.

Storemen of the —. 1610.

**INDIAN ARMY SERVICE CORPS—**

Question *re*—

Examination for recruitment to the —. 764-65.

Grant of pension to checkers of the —. 1293.

**INDIAN ARMY SERVICE CORPS—**  
*contd.*

Question *re*—*contd.*

Pay of clerks of the —, 1293.

Pay of store-keepers of the —, 1293.

**INDIAN ARMY VETERINARY CORPS—**

Question *re* rules for recruitment of Indians to the —, 364-65.

**INDIAN BRANCH—**

Question *re* payment made to the — of the Ross Institute. 1258.

**INDIAN CHRISTIANS—**

Question *re* Government of India Departments with no Sikhs, — Depressed Classes and Parsis. 1596.

**INDIAN CIVIL SERVICE—**

Question *re*—

Indians in the — appointed as Executive Councillors in the Provinces. 1672-74.

Pay of new entrants to the — and the Indian Police Service. 273.

Services of European — or other officers lent to places outside British India. 935, 1768-71.

**INDIAN COASTAL TRAFFIC (RESERVATION) BILL—**

See "Bill(s)".

**INDIAN CONGRESS(ES)—**

See "Congress(es)".

**INDIAN DOCK LABOURERS BILL—**

See "Bill(s)".

**INDIAN EMPLOYEES—**

See "Employee(s)".

**INDIAN FINANCE BILL—**

See "Bill(s)".

**INDIAN FORCE—**

Question *re* formation of an — wing of the Royal Air Force. 1482-83.

**INDIAN FOREST (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN INCOME-TAX ACT—**

See "Act(s)".

**INDIAN INCOME-TAX (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN INCOME-TAX (SECOND AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN INCOME-TAX (THIRD AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN INTERESTS—**

Question *re* bodies in Transvaal representing the —, 450.

**INDIAN "KHADDAR" (NAME PROTECTION) BILL—**

See "Bill(s)".

**INDIAN LAC CESS (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN MARINE (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN MEDICAL ASSOCIATION—**

See "Association(s)".

**INDIAN MEDICAL COUNCIL BILL—**

See "Bill(s)".

**INDIAN MEDICAL DEPARTMENT—**

Question *re* promotions of Assistant Surgeons and Sub-Assistant Surgeons of the —, 759-60.

**INDIAN MEDICAL SERVICE—**

Question *re*—

Appointment of an Indian as Director General, — or as Public Health Commissioner in India. 923-25.

Indian Research Fund Association work done by the Assistant-in-Charge of the Public Health section of the office of the Director General, —, 948-49.

Officers of the — employed on specialist duties. 788-91.

**INDIAN MERCHANT SHIPPING (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN MILITARY ACADEMY—**

Question *re* nomination of the Indian Army soldiers to the —, Dehra Dun. 909-12.

**INDIAN NATIONAL CONGRESS—**

Question *re*—

Allegations against certain sergeants during the — Session in Calcutta. 184-85.

Resolutions passed by the — held in Calcutta. 19-20.



**INDIAN OFFICER(S)—**Question *re*—

Increase in the proportion of — in the Survey of India Department. 614.

Number of certain — on the North Western Railway. 1480-81.

**INDIAN PASSENGERS—**

See "Passenger(s)".

**INDIAN PENAL CODE—**

Question *re* suspension of employees of the East Indian Railway, accused of an offence under the — but released on bail. 1456.

**INDIAN PETROLEUM BILL—**

See "Bill(s)".

**INDIAN POLICE SERVICE—**

Question *re* pay of new entrants to the Indian Civil Service and the —. 273.

**INDIAN POSTS AND TELEGRAPHS DEPARTMENT—**

See "Posts and Telegraphs Department".

**INDIAN RAILWAY(S)—**

See "Railway(s)".

**INDIAN RAILWAY CONFERENCE ASSOCIATION—**

Question *re* expenditure of the —. 618.

**INDIAN RAILWAY GAZETTE—**Question *re*—

Article in the — against the Standing Finance Committee for Railways. 1831.

— of Calcutta. 630-31.

**INDIAN RAILWAY MAGAZINE—**

Question *re* article entitled "Monstrous" in the —. 1115.

**INDIAN RAILWAYS (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN RESEARCH FUND ASSOCIATION—**

Question *re* creation of the post of Assistant Secretary in the —. 949-50.

**INDIAN REVENUE(S)—**

Question *re* loans advanced to the Bahawalpur State out of —. 935-40.

See also "Revenue(s)".

**INDIAN SHIPPING—**

Question *re* participation of — in the coastal and overseas trade of India. 1265-67.

**INDIAN SHIPPING COMPANIES—**Question *re*—

Grievances of the —. 1267.

Protection to the —. 1264-65.

**INDIAN STATES—**Question *re*—

Loans due to — and Provincial Governments. 536.

Payment by the — and Provincial Governments of debt instalments. 537.

**INDIAN STATES (PROTECTION BILL—**

See "Bill(s)".

**INDIAN STORES DEPARTMENT—**Question *re*—

Dilapidated condition of the building occupied by the —. 893-94.

Indents placed by the Great Indian Peninsula Railway with the Indian Stores Department. 202-07.

Supply of enamel purple brown to the Eastern Bengal Railway through the —. 1053.

Tender called or by the — for enamel navy green. 1052.

**INDIAN TARIFF (AMENDMENT) BILL—**

See "Bill(s)".

**INDIAN TARIFF (OTTAWA TRADE AGREEMENT) SUPPLEMENTARY AMENDMENT BILL—**

See "Bill(s)".

**INDIAN TEA CONTROL BILL—**

See "Bill(s)".

**INDIAN WIRELESS TELEGRAPHY BILL—**

See "Bill(s)".

**INDIANISATION—**Question *re*—

— in the Indian Army Ordnance Corps. 1610.

— in the Traction Department of the Great Indian Peninsula Railway. 690.

— of the Central Cypher Bureau of the Foreign and Political Department. 1591-95, 1842.

— of the Opium Department. 95.

**INDO-CHINA—**Question *re*—

Expulsion of certain Chettiers from —. 1030-32.

Grievances of Indians in the Federated Malay States, — and Siam. 735.

**INDO-JAPANESE TRADE CONVENTION—**

Question *re* expiry of the — of 1905. 747.

**INDUS—**

Question *re* Lloyd Barrage scheme on the — River. 92-93.

**INDUSTRIAL STAFF—**

Question *re* demotion and reduction in salaries of the — in the Eastern Bengal Railway Press. 1346.  
See also "Staff".

**INDUSTRIES AND LABOUR DEPARTMENT—**

Election of the Standing Committee for the —. 293-94, 951.

**INDUSTRY (IES)—**

Question *re*—  
Action taken under the Safeguarding of — Act. 104.

Condition of agriculture and — in foreign countries. 1047.

— given protection under the safeguarding of — Act. 744-46.

Protection of the private dairy — from the unfair competition of military dairies. 1276-77, 1279-80.

Report of the Tariff Board on glass —. 1387-88.

Sugar and — Conference held at Simla. 550.

**INFECTIOUS DISEASES ISOLATION HOSPITAL—**

Question *re* location of the existing —, Delhi. 557-58.

**INFERIOR APPOINTMENT(S)—**

See "Appointment(s)".

**INFERIOR ESTABLISHMENT—**

Question *re* replacement of a few Muslims by Hindus in the — of the Jhelum Head Post Office. 1668.

**INFERIOR SERVANTS—**

Question *re*—  
Communal representation of the — in the Allahabad General Post Office. 1823.

Non-grant of leave to the — of the Telegraph Department. 1371.

Retrenchment of — in each Postal Circle. 542.

**INHUMAN TREATMENT—**

Question *re* alleged — meted out to Tamil labourers in Sengorra District in Siam. 356-58.

**INJUSTICE—**

Question *re* alleged — to Muslims in the Railway Mail Service, Allahabad. 1100-01.

**INKMEN—**

Question *re* memorial of — of the Government of India, Press, Calcutta. 1844-45.

**INSOLVENCY—**

Question *re* — of Mr. James Rowland Hopper, an employee of the Central Publication Branch. 1475-76.

**INSOLVENT EMPLOYEES—**

Question *re* — in certain Government Departments. 1368.

**INSPECTION(S)—**

Question *re* — of combined Post and Telegraph Offices. 1370-71.

**INSPECTOR(S)—**

Question *re*—  
Amalgamation and separation of the cadres of — of Railway Mail Service and — of Post Offices. 955.

Communal composition of — and Assistant Examiners, etc., in the Income-tax Department, Sind. 260-61.

Disability pensions drawn by Preventive Officers and — in the Karachi Customs House. 261-62.

Promotion of two non-Muslims as town — in the General Post Office, Allahabad. 1822.

Reservation of posts of Assistant Accounts Officers on the North Western Railway for Accountants and — of Station Accounts. 558-59.

Transfer of Inspectors and Postmasters in the Punjab and North West Frontier Postal Circle. 1662-63.

Withdrawal of daily allowance of — of Station Accounts, etc., on the East Indian Railway. 1851.

**INSPECTOR(S) OF ACCOUNTS—**

Question *re* periodical inspection of stations on the East Indian Railway by the —. 380.

**INSPECTOR(S) OF CREWS—**

Question *re*—  
Consolidated allowance of — on the East Indian Railway. 292.  
Demotion of certain — on the East Indian Railway. 292.

**INSPECTORATE—**

Question *re* expenditure on — in the Administered Areas in Central India. 556.

**INSTITUTE(S)—****Question re—**

Admission of Indian Officers and Cadets in the Prince of Wales Seamen's —. 1670-71.

Contribution towards the Building Fund of the Prince of Wales Seamen's —. 1670.

Non-admission of Indians to the Prince of Wales Seamen's —, Bombay. 1267.

Payment made to the Indian Branch of the Ross —. 1258.

**INSURANCE—****Question re—**

Bonus paid to policy-holders by postal —. 1765.

Foreign companies doing — business in India. 445.

Payment of death claims by the Postal — Fund. 1361-62.

**INSURANCE COMPANY(IES)—**

Question re creation of — in India. 752-53.

**INSURANCE POLICIES—**

Question re payment of premia on — from the Provident Fund by Railway employees. 765.

**INSURANCE PREMIA—**

Question re permission to railway employees to pay their — from the Provident Fund. 752.

**INTERMEDIATE CLASS—**

Question re introduction of — accommodation on the South Indian Railway. 1114.

**INTERMEDIATE EXAMINATION—**

See "Examination(s)".

**INTERNATIONAL CONGRESS—**

Question re — on Penal Laws held at Palermo. 549-50.

**INTERNATIONAL POSTAL CONFERENCE—**

Question re — to be held at Cairo. 1447-48.

**INTERNATIONAL WHEAT CONFERENCE—**

Question re representation of the Government of India at the —. 1258-59.

**INTERVIEW(S)—****Question re—**

— granted with political prisoners in the Andamans. 1597-98.

— with political prisoners in the Andamans by their relatives. 363-64.

**IRON SHED—**

Question re renting of the long corrugated — to the Summer Hill Commandant. 750-51.

**SMAIL ALI KHAN, KUNWAR HAJEE—**

Appointment of — on the Committee on Petitions. 462.

Election of — to the Standing Committee for the Department of Industries and Labour. 951.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1648, 1651, 1654, 1694-97.

**Question re—**

Allegations against the Head Clerk, Government Forms Press, Aligarh. 1289-90.

Contracts for building and supplying goods, etc., in the Government Forms Press, Aligarh. 1289.

Income of the Accountant, Government Forms Press, Aligarh. 1289.

Increase or decrease in the Excise Revenue in Delhi. 41.

License fees for *Charas* shops, in Delhi. 41.

Recruitment of Muslim employees in the Government Forms Press, Aligarh. 1289.

**Question (Supplementary) re—**

Confidential report submitted by the Haj Enquiry Committee. 740.

Difficulties and hardships of pilgrims returned from Hedjas. 10.

Fixation of percentage for appointments in Government service for Muslims and other communities. 87.

Maintenance of the family of Hyder Ali and Tipu Sultan. 3.

Resolutions passed by the Indian National Congress held in Calcutta. 20.

State Prisoners in custody. 4.

Suspension of the Civil Disobedience Movement. 91.

Troubles of the Hindus of the Alwar State. 185-86.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 2. 71.

**ISMAIL KHAN, HAJI CHAUDHURY MUHAMMAD—**

Election of — to the Standing Committee for the Department of Industries and Labour. 951.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1693-94.

**Question re—**

Filling up of vacancies in the Imperial Council Agricultural Research. 1760.

**ISMAIL KHAN, HAJI CHAUDHURY MUHAMMAD—contd.**

**Question re—contd.**

Officer in charge of the Andamans fisheries. 1748.

Representation of minority communities in the Zoological Survey of India. 1747-48.

Research work on behalf of the Imperial Council of Agricultural Research done at Agra. 1762.

Staff employed on the "research side" of the Imperial Council of Agricultural Research. 1763-64.

Staff serving under the Imperial Council of Agricultural Research in connection with locust campaign. 1761-62.

Statistical section of the Imperial Council of Agricultural Research. 1764-65.

Tours of officers of certain departments. 1762-63.

**ITALY—**

Question *re* rumoured transfer of a part of Kenya to —. 105.

**J**

**JADHAV, MR. B. V.—**

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 391-92.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1238-39.

Factories Bill—

Motion to refer to Select Committee. 1640, 1641, 1642-43, 1644.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 214, 233, 235-40.

Hindu Widow's Right of Maintenance Bill—

Motion to circulate. 960.

Indian Coastal Traffic (Reservation) Bill—

Motion to continue. 415.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 984.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 480-82.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1188.

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 160-61.

Motion *re* future Administration of Aden. 1730, 1736, 1773-79.

**JADHAV, MR. B. V.—contd.**

**Question re—**

Amount received from the enhanced petrol tax for road purposes. 1348-49.

Construction of a bridge on a canal between Moghalpura and Lahore on the North Western Railway. 1009.

Gold and silver held in the Currency Department. 1349-50.

**Question (Supplementary) re—**

Absence of a direct train between Delhi and Karachi. 108.

Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 338.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1592.

Indians in the Indian Civil Service appointed as Executive Councillors in the provinces. 1674.

Payment of War Debt by England to the United States of America with silver acquired from India. 266.

Procession on the *Ekdasi* Day in Shahdara, Delhi. 1459.

Raising of a sterling loan in London by the Secretary of State for India. 1363.

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to London. 270.

Representations made by Dr. Bhupal Singh and Mr Satish Parkrashi, prisoners in the Andamans. 1600.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1511-13.

**Resolution re—**

Admissions to the Military Academy. 1153-55, 1156, 1161.

Proprietary rights of citizens in the land. 1132-33, 1146.

Untouchability Abolition Bill—

Motion to circulate. 998, 1000.

Workmen's Compensation (Amendment) Bill—

Consideration of—

Clause 2. 70, 71.

Clause 18. 121.

Clause 23. 142-43.

**JAIL(S)—**

Motion for Adjournment *re* facilities given to Mahatma Gandhi in —. 116, 147-69.

**Question re—**

Allegations in regard to punishments etc., meted out to political prisoners in the Haripur Central —. 1122.

**JAIL(S) contd.****Question re—contd.**

Application for transfer from the Rajahmundry — of State Prisoners Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee. 517-18.

Bengali State Prisoners confined in the Rajahmundry —. 1605-06.

Bengali State Prisoners detained in — of the Madras Presidency. 895.

Bengalis detained without trial in Burma — under the Burma Ordinance. 897.

Cellular — in the Andamans. 336.

Classification in — of Indian prisoners. 1376-77.

Condition of the health of certain political prisoners in the Cellular —, Andamans. 361-63.

Deaths from pneumonia in — in the Andamans. 286-87.

Diet allowance of certain Bengali State Prisoners detained in — in the Madras Presidency. 895-96.

Forced feeding of Mahabir Singh, a late political prisoner in the Cellular —, Andamans. 285-86.

Grievances of the State Prisoners confined in the Damoh Sub —. 280-83

Illness of certain State Prisoners detained in the Rajahmundry Central —. 516.

Moplahs convicted of offences connected with the Malabar Rebellion in — and Andamans. 634.

Non-supply of certain books to State Prisoners confined in the Damoh Sub —. 284.

Persons in — in connection with the Civil Disobedience Movement or other political movements. 443.

Political prisoners confined in — in India and in the Andamans. 497.

Present state of health of Benoyendra Nath Roy Chaudhury, a State Prisoner in the Rajahmundry, —. 920.

Provision of electric fans for State Prisoners and detenues in the Trichinopoly —. 896.

Release of persons detained in — for indefinite periods. 1455.

Removal of Mr. Devidas Gandhi to Multan — in a third class compartment. 1659.

Reply of telegrams enquiring about the health of political prisoners in the Cellular —, Andamans. 362-63.

**JAIL(S)—contd.****Question re—contd.**

Search by police of the room and belongings of State Prisoners confined in the Damoh Sub —. 284-85

Sending or receiving of communications by prisoners joining hunger-strike in the Cellular —, Andamans. 1598.

Sports allowance for Bengal State Prisoners in — of the Madras Presidency. 896-97.

State Prisoners and detenues in —. 897.

Transfer of certain State Prisoners from Muzaffargarh — to some other —. 515-16.

Transfer of State Prisoner Mr. Rasik Lal Das to some other —. 1606.

Treatment meted out to Mr. M. S. Aney in the Midnapur —. 175-78.

Working of the oil-press in —. 1037.

**JAILOR—**

Question re permission to prisoners in the Andamans to have money in —'s custody for personal expenditure. 1598-99.

**JAMALPUR—****Question re—**

Communal composition of apprentices nominated to the Welding Department, — Railway Workshop. 544.

Continuance of the East Indian Railway Band at —. 19.

Employment officer at the — Workshops. 19.

Housing problem of the Indian employees of the East Indian Railway at —. 16-18.

Overlooking of claims of trained Indians in the — Workshop, East Indian Railway. 545.

Racial discrimination in the — Workshop, East Indian Railway. 544, 545.

Reading Room Association of an Indian Railway school at —. 1385-86.

**JAMES, MR. F. E.—**

Election of — to the Select Committee on the Amendment of Standing Orders. 783.

Indian Income-tax (Second Amendment) Bill—

Consideration of clause 26. 714.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 304, 313-16.

**JAMES, MR. F. E.—contd.**

**Indian Tea Control Bill—**

Motion to consider and to refer to Select Committee. 1623-24.

**Indian Wireless Telegraphy Bill—**

Motion to consider. 720-21.

**Motion for Adjournment re—**

Aerial bombardment on Kotkai in the Trans-Frontier. 881-83.

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1429-31, 1440, 1441.

Motion re future Administration of Aden. 1792, 1793.

Question re assassination of Mr. Burge, District Magistrate of Midnapore. 778-79.

**Question (Supplementary) re—**

Abolition of the Empire Marketing Board. 1826, 1827.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi 1272.

Export of silver from India to America. 264.

Expulsion of certain Chettiers from Indo-China. 1032.

Import of copper sulphate into British India. 1017.

Import of rubber hose into British India. 1018.

Proposed revision of the terms of the Ottawa Agreement. 1335, 1336.

**Resolution re—**

Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1894-95.

Proprietary rights of citizens in the land. 1137-39.

**JAMIAT-UL-ULEMA-I-HIND—**

**Question re—**

Application from — for giving evidence before the Joint Parliamentary Committee. 1035.

Release of members of the Working Committee of the —. 1350.

Release of workers of the —, Delhi. 1659.

**JAMMU—**

Question re export of duty-paid foreign sugar from Karachi to Kashmir and — States. 426.

**JAPAN—**

**Question re—**

Boycott of Indian cotton by —. 256-57.

Certain schemes in operation in —. 277.

Contemplated establishment of mills and factories in India by —. 104.

Import of "Edible Oil" into India from —. 1745-46.

**JAPAN—contd.**

**Question re—contd.**

Import of motor cars designed to run without petrol from —. 1365.

Playing cards imported into British India from —. 1117.

**JAPANESE DELEGATION—**

Question re impending visit of a — for negotiations for a trade convention. 747-48.

**JEHLANGIR, SIR COWASJI—**

Consideration of the Report of the Public Accounts Committee. 1926.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 851, 1068.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1233.

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 779.

Expressions of regret on the death of —.

Mr. B. N. Misra. 1862.

Mrs. Annie Besant. 1917-18.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 979-80.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1204, 1216, 1217-18, 1219.

**Motion for Adjournment re—**

Aerial bombardment on Kotkai in the Trans-Frontier. 874.

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1431-34, 1435.

Motion re future Administration of Aden. 1787, 1796, 1803-08.

**Question (Supplementary) re—**

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1270, 1271, 1275.

Allotment of quarters in New Delhi. 1038, 1039.

Arrest of Mr. Devidas Gandhi at Delhi. 763.

Construction of quarters in New Delhi. 912-13.

Firms manufacturing playing cards in India. 909.

Loans advanced to the Bahawalpur State out of Indian revenues. 937, 938, 939.

Raising of a sterling loan in London by the Secretary of State for India. 1364.

Tenders for furniture supplied to the Military Finance Department. 1836-37.

**JEHANGIR, SIR COWASJI—contd.**

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1310, 1400, 1401, 1409-11, 1412-15.

Resolution *re* proprietary rights of citizens in the land. 1140-42.

Untouchability Abolition Bill—

Motion to circulate. 1000.

**JHA, PANDIT RAM KRISHNA—**

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 210, 235.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 958.

Question *re*—

Cost incurred by Government on the haulage, travelling and other allowances for the nominated members of the Legislative Assembly. 1121.

Transfer of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 32.

**JHELUM—**Question *re*—

Communal inequality in inferior appointments in the — Head Post Office. 1379.

Replacement of a few Muslims by Hindus in the inferior establishment of the — Head Post Office. 1688.

**JHELUM CANAL COLONY(IES)—...**Question *re*—

Conference of horse-breeders of the —. 519-22.

Horse-breeding in the —. 518-19, 522-24.

**JOG, MR. S. G.—**

Indian Medical Council Bill—

Motion to consider. 1875-77.

Indian Merchant Shipping (Second Amendment) Bill—

Motion to pass. 1556-57.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 329.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1206, 1209-13.

Murshidabad Estate Administration Bill—

Consideration of clause 3. 1560-61.

Motion to pass. 1582-83.

Question *re*—

Absence of elected Members in the New Delhi Municipal Committee. 1107.

**JOG, MR. S. G.—concl'd.**Question *re*—*cont'd.*

Area of land in New Delhi reserved for allotment to Diwans and Rases. 1125.

Article in the *Bombay Chronicle* under the heading "Great Indian Peninsula Railway and workers". 1612.

Certain alterations in the "D" type orthodox quarters in New Delhi. 1840-41.

Demotion of certain drivers of the Great Indian Peninsula Railway. 1479-80.

Dismissal of public servants in military employ. 1841.

Educational qualifications of non-official nominated members of the New Delhi Municipal Committee 1107-08.

Extension of the privileges of the local self-government to New Delhi public. 1108.

Filling up of certain postal appointments permanently at certain places. 1102-3.

Grant of pension to telephone operators. 1657-58.

Holiday homes maintained by the North Western Railway at hill stations. 1658-59.

Indians in the Indian Civil Service appointed as Executive Councillors in the Provinces. 1672-74.

Inquiry under certain paragraphs of the proposals in the White Paper. 1672.

Non-filling up of certain permanent appointments in the Post Offices. 1101-02.

Permission to postal reserve clerks to appear for confirmation examination. 1104.

Postal Officials officiating in the Bombay Postal Circle. 1103-04.

Preference to ex-approved candidates in the Postal Department in making appointments. 1103.

Purchase of petrol by the New Delhi Municipal Committee. 1109, 1767.

Retrenchment of Anglo-Indians by the Superintendent, Railway school of Transportation, Chandausi. 1480.

Rules for suing Government for breach of trust in respect of service conditions, etc. 1658.

Shops on Baird Road, New Delhi, 1108-09.

Status of Berar in the Federal Constitution. 1671-72.

Uniforms supplied to Travelling Ticket Examiners on the East Indian Railway. 1480.

**JOG, MR. S. G.—*contd.***

- Question (Supplementary) *re*—  
 Assassination of Mr. Burge, District Magistrate of Midnapore. 778.  
 Calling of Indians as Hindus in the United States of America. 458.  
 Ceylonese deputation in Simla. 257.  
 Cost of Meerut Conspiracy Case. 767.  
 Export of silver from India to America. 264.  
 Facilities for the Mount Everest air expedition. 440.  
 Gold exported from India since Great Britain went off the gold standard. 444.  
 Presidential speech of Mr. Subhas Chandra Bose in the recent political conference in London. 256.  
 Restriction on the possession of swords. 437, 438.  
 State Prisoners in custody.  
 Reserve Bank of India Bill—  
 Motions to refer to Joint Committee and to circulate. 1507.  
 Resolution *re* draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1888, 90, 1894, 1895.  
 Workmen's Compensation (Amendment) Bill—  
 Motion to consider. 64-65.  
 Consideration of clause 23. 139, 140-42.

**JOHANNESBURG—**

- Question *re* resolutions passed by the Provincial Conference of the Transvaal Indian Congress held at —. 449-50.

**JOINT PARLIAMENTARY COMMITTEE—**

- Question *re*—  
 Amount paid to each witness invited to give evidence before the — 748-50.  
 Amount paid to witnesses for going to London for giving evidence before the —. 342-43.  
 Application from Jamiat-ul-Ulema for giving evidence before the — 1035.  
 Evidence given by the Secretary of State for India and by Sir Malcolm Hailey before the —. 543.  
 Organisations invited for giving evidence before the —. 748-50.  
 Representative of the All-India Muslim League for giving evidence before the —. 343-44.  
 See also "Parliamentary Committee"..

**JOINT STOCK COMPANIES—**

- Question *re* purchase of shares by Government servants in —. 1252.

**JOSHI, MR. N. M.—**

- Cotton Textile Industry Protection (Second Amendment) Bill—  
 Motion to consider. 855-60, 1072.

- Indian Railways (Amendment) Bill—  
 Motions to consider, to re-circulate and to recommit to Select Committee. 300, 467-79, 485.

- Indian States (Protection) Bill—  
 Motions to refer to Select Committee and to circulate. 1082-83, 1191, 1195-1201, 1220.

- Indian Wireless Telegraphy Bill—  
 Motion to consider. 719.

Question *re*—

- Air bombardment on the tribal area of the North-West Frontier. 681.

- Allowance to the stenographers of the Central Telegraph Office and General Post Office, Madras. 1851-52.

- Frauds committed by the departmental and extra-departmental staff in the Bombay Postal Circle. 1173-74.

- Grant of increments to the officials of the Sorting Office, Madras General Post Office. 1851.

- Grant of pension to Baudot mistries. 1852.

- Non-maintenance of the record of poor box collections made on various ships by the Shipping Office, Bombay. 197.

- Number of overseers and postmen, etc., in each Postal Circle. 1124-25.

- Overseer and sorting postmen under the control of the Presidency Postmaster, Bombay. 1473.

- Postal clerks in each postal circle. 953.

- Postal recruited telegraphists. 1852.

- Promotion of Indian Assistant Station Masters as Guards in the Moradabad and Lucknow Divisions, East Indian Railway. 293.

- Promotions of the old Oudh and Rohilkhand Railway staff to vacancies of the old East Indian Railway staff. 465.

- Recruitment of members of minority communities in the Post Offices and Railway Mail Service in the Bombay Presidency. 1472-73.

- Retirements in certain grades in the Posts and Telegraphs Department. 1852-53.



JOSHI, MR. N. M.—*contd.*

## Question (Supplementary) re—

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 461.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi 1273, 1274.

Arrest of Mr. Devidas Gandhi at Delhi. 763, 764.

Cost of Meerut Conspiracy Case. 766.

Denial of equity and fairplay to Indians in New Zealand. 533, 534.

Disposal of certain publications as waste paper on the eve of the transfer of the Central Publication Branch to Delhi. 431, 432.

Employment of Muslim doctors and hospital assistants on pilgrim ships. 621.

Expenditure of the Indian Railway Conference Association. 618.

Fares of different classes on State Railways. 436.

Fixation of percentage for appointments in Government service for Muslims and other communities. 89.

Free medical attendance by the Civil Surgeons, Simla, to Indian Government servants. 355.

Impending visit of a Japanese delegation for negotiations for a trade convention. 748.

Loans advanced to the Bahawalpur State out of Indian revenues. 938, 939-40.

Preparation of rolling stock programme of Railways. 619.

Purchase of grain for the military and management of the depots. 741, 742.

Racial restrictions against Indians to buy land in Kenya. 1003.

Recognition of Muslim Trade Unions. 607-08.

Recruitment of ministerial staff of the Government of India Secretariat and attached offices. 933, 934.

Release of Mahatma Gandhi. 12.

Representation of the travelling public at the Rail-Road Conference held at Simla. 1021.

Representatives of India at the World Economic Conference in London. 255.

Revenue earned at the docks by the Calcutta Port Trust. 627.

JOSHI, MR. N. M.—*contd.*

Question (Supplementary) re—  
Sum to be taken from India as a result of the Ottawa Agreement, 182-83.

Resolution re proprietary rights of citizens in the land. 1133-36, 1137, 1139, 1140, 1141, 1144, 1147, 1148.

Untouchability Abolition Bill—  
Motion to circulate. 997.

Workmen's Compensation (Amendment) Bill—

Motion to consider. 63-64, 65, 68.

Consideration of—

Clause 2. 70, 75-76, 78.

Clause 3. 79-80, 81-82, 84, 85.

Clause 18. 121, 122.

Clause 21. 123, 126, 128-29.

Clause 22. 132.

Clause 23. 134-39, 140, 141.

## JOURNEYMEN—

Question re selection of — for the North Western Railway Workshops, Mughalpura. 734-35.

## JOY RIDES—

Question re use of an officer's carriage for — under orders of the Divisional Superintendent, Moradabad Division, East Indian Railway, 1462.

## JUDGE(S)—

Question re—

Appointment of a Sikh as a Judge in the Lahore High Court. 940.

Communal composition of the — of High Courts and Chief Courts. 906.

Increase in the number of Muslim — in the Calcutta High Court. 907.

## JUDICIAL OFFICER(S)—

Question re—

— in the Delhi Province. 926-27.

Posting of — and police Bazzett — to their home districts. 927.

## K

## KALANAU—

Question re provision of certain necessities to —, District Gurdaspur. 1036-37.

## KALKA SIMLA RAILWAY—

See "Railway(s)".

## KAMALUDDIN AHMAD, SHAMS-UL-ULEMA, MR.—

Oath of Office. 2.

## KAMBAR—

Question re allegations against one Mr. Mangharam, Sub-Post Master, —. 264-65.

**KARACHI—**

**Question re—**

Absence of a direct train between Delhi and —. 106-09.

Absence of a direct train between Lahore and — via Dadu. 109.

Additional Income-tax Officer, and Assistant Income-tax Officer, —. 257-58.

Alleged attack on Mahatma Gandhi by the Daily Gazette of —. 1268-75.

Applications for registration of firms received by the Income-tax Officer in —. 1044.

Disability pensions drawn by preventive Officers and Inspectors in the — Customs House. 261-62.

Export of duty-paid foreign sugar from — to Kashmir and Jammu States. 426.

Export of foreign sugar from — to Persian Gulf Ports. 427.

Extension of Trans-Continental Air Service from — to Singapore. 267-69.

Post of Office Superintendent, — Division, North Western Railway. 628-29.

Protectors of Haj Pilgrims at —. 464.

Survey of the — Bombay proposed broad gauge line. 1667-68.

**KARAM DIN, KHAN SAHIB MALIK—**

Question *re* allegations against —, Telegraph Master. Government Telegraph Office, Lahore. 1667.

**KASHGAR—**

Question *re* disturbances in — and Yarkand. 94.

**KASHMIR—**

Question *re* export of duty-paid foreign sugar from Karachi to — and Jammu States. 426.

**KATHIAWAR—**

**Question re—**

Arrears in foreign sea-borne trade statistics for — Ports. 1463.

Import of cotton textile and yarn, etc., through — Ports. 1464.

Import of sugar through — Ports. 1464.

Inclusion in the sea-borne trade volume of statistics of imports through — Ports. 1465.

**KENYA—**

**Question re—**

Agitation of the white settlers in — against income-tax. 1007.

Demand for Closer Union of East Africa including Tanganyika with —. 1383-84.

**KENYA—contd.**

**Question re—contd.**

Demand of white settlers for the control over the finances of —. 1008, 1383.

Leases in — Native Reserves. 1004.

Maize Pool Scheme in —. 1006-07.

Racial restrictions against Indians to buy land in —. 1003.

Rumoured transfer of a part of — to Italy. 105.

**“KHADDAR” (NAME PROTECTION) BILL—**

See “Indian —” under “Bill(s)”.

**KHATAULI—**

Question *re* stoppage of express trains at —, North Western Railway. 1282-83, 1376.

**KIDDERPORE—**

Question *re* immigrants left stranded at Akra, —. 358-59.

**KIFAET ULLAH, MUFTI—**

Resolution *re* release of Mr. Gandhi — and other political prisoners. 566.

**KISHANGANJ—**

Question *re* running of special trains between Barsui and — on the Eastern Bengal Railway.—631.

**KOTKAI—**

Motion for Adjournment *re* aerial bombardment of — in the Trans-Frontier. 551-55, 780-83, 865-89.

Question *re* aerial bombardment at — on the North-West Frontier. 753-54.

**KRISHNAMURTHI, MR. G.—**

Question *re* discharge of —, General Secretary of the Madras and Southern Mahratta Railway Employees' Union. 1116.

**KUNDU ROY, MR. DHIRENDRA CHANDRA—**

Question *re* illness of —, a detenu in the Deoli Detention Camp. 448.

**KURUKSHETRA—**

Question *re* failure of water supply at the — station after the solar eclipse. 1257-58.

**L**

**LABOUR UNION(S)—**

See “Union(s)”.

**LABOURERS—**

Question *re* alleged inhuman treatment meted out to Tamil — in Sengorra District in Siam. 356-58.

**LAC CESS AMENDMENT BILL—**

See “Indian —” under “Bill(s)”.

## LADIES—

Question *re*—

Non-reservation of a compartment for — in the Light Trains running between Bareilly Junction and Pilibhit on the Rohilkund and Kumaon Railway. 1106.

Reservation of accommodation for — on the Great Indian Peninsula Railway. 769-70.

## LAHIRI CHAUDHURY, MR. D. K.—

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 855, 863, 864-65.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 212, 214, 215, 221-24.

Indian Railways (Amendment) Bill—

Motions to consider to re-circulate and to recommit to Select Committee. 325-28.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1078.

Motion for Adjournment *re*—

Aerial bombardment on Kotka in the Trans-Frontier. 553, 870, 871, 87-88.

Alleged scurrilous article in the Daily Gazette *re* Mahatma Gandhi. 1442.

Facilities given to Mahatma Gandhi in jail. 154-168.

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 728.

Point of Order—

— raised by —, during the discussion of the motion to refer the Indian States (Protection) Bill to Select Committee as to whether the proposed measure was not ultra vires of the Indian Legislature on the ground that its jurisdiction was not only confined to India, but also extended to parts which were beyond British India, as set forth in clause 2. 1078.

Question *re*—

Abuse of discretionary powers vested in the Income-tax Officers at Calcutta. 1471.

Amount of Income-tax collected in Calcutta. 1472.

Applications for leave by the guards on the East Indian Railway. 1833-39.

Assessment of income-tax in Calcutta. 1472.

Income-tax circulars issued by the Central Board of Revenue. 1472.

LAHIRI CHAUDHURY, MR. D. K.—  
*contd.*

Question *re*—*contd.*

Petitions filed under section 27 of the Indian Income-tax Act in Calcutta. 1471.

Rates of allowances drawn by postal employees at Darjeeling. 954-55.

Rejection of applications for appointments from the sons and relatives of postal officials of the Calcutta General Post Office. 1386.

Replacement of selection grade Town Inspectors of Post Offices at Calcutta by time-scale men. 1387.

Retention in Calcutta of Babu Aswini Kumar Chowdhury, Town Inspector of Post Offices. 1386-87.

Retirement of superannuated men from Government Service. 1839-40.

Supply of enamel purple brown to the Eastern Bengal Railway through the Indian Stores Department. 1053.

Tender called for by the Indian Stores Department for enamel navy green. 1052.

Testing of samples of enamel navy green by the Government Test House, Alipore. 1053.

Question (Supplementary) *re*—

Allegations of assault made on the Congressmen after their arrest in Calcutta. 22.

Mr. Gandhi's fast. 27.

Present condition of the health of State Prisoner Mr. Surendra Mohan Ghosh. 517.

State Prisoners in custody, 5, 6.

Resolution *re*—

Proprietary rights of citizens in the land. 1129-31, 1133.

Repayment of half currency notes. 597.

Untouchability Abolition Bill—

Motion to circulate.—997, 1001.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 21. 123-24.

## LAHORE—

Question *re*—

Absence of a direct train between — and Karachi via Dadu. 109.

Allegations against Khan Sahib Malik Karam Din, Telegraph Master, Government Telegraph Office, —. 1667.

Annual Administration Report of the — Cantonment Board. 512.

Appointment of a Sikh as a Judge in the — High Court. 940.

Appointment of certain Ticket Collectors as Special Ticket Examiners in the — Division of the North Western Railway. 513-14.

**LAHORE—contd.**

**Question re—contd.**

Construction of a bridge on a canal between Moghalpura and — on the North Western Railway. 1008-10.

Deputation of a medical man for a clerical job in the Office of the Medical Officer, —. 1287-88.

Free supply of water to the — Cantonment Board for watering roads. 511.

Indian Posts and Telegraphs Employees' Mutual Relief Fund, —. 1283.

Management of the Hindu Refreshment Room at — Railway Station. 1010-13.

Military dairies in Simla and —. 262-63.

Platform raised by Muslim employees in the compound of the — General Post Office, 984.

Rate of electric energy supplied by Military Engineering Services to — Cantonment Board. 510-11.

Supersession of telephone operators in the — Telegraph Engineering Division. 1689.

Three decipherable currency notes of the — Circle. 1010.

Transfer of certain roads from the Military Engineering Services to the — Cantonment Board. 511-12.

**LAKE PROVINCE—**

Question re amelioration of the condition of Indian in — in Tanganyika. 1007-08.

**LAKE SQUARE—**

Question re defects in certain quarters of — and Clive Squares in New Delhi. 1281-82.

**LAL CHAND, HONY. CAPTAIN RAO BAHADUR CHAUDHRI—**

Code of Criminal Procedure (Amendment) Bill—

Motions to refer to Select Committee. 386-91, 392, 393.

**LALCHAND NAVALRAI. MR.—**

Ajmer-Merwara Juveniles Smoking Bill—

Motions to consider and to pass. 991-92.

Cantonments (House-Accommodation Amendment) Bill—

Motion to consider. 1716-17.

Code of Criminal Procedure (Amendment) Bill—

Motion to refer to Select Committee. 383, 241-44.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1232.

Election of — to the Salt Industry Committee. 1692.

Election of — to the Select Committee on the Amendment of —

Standing Orders. 783.

**LALCHAND NAVALRAI, MR.—contd.**

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 213, 219, 230.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 965-66.

Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee. 1539-39, 1550-51.

Motion making nominations to the Joint Committee. 1772.

Indian Arbitration (Amendment) Bill—

Motion to consider. 1715

Indian Income tax (Second Amendment) Bill—

Motion to consider. 709

Consideration of clause 10. 711

Indian Income-tax (Third Amendment) Bill—

Motion to refer to Select Committee. 717.

Indian Merchant Shipping (Second Amendment) Bill—

Motion to refer to Select Committee. 56-60.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 323.

Motion to pass. 703-05, 706, 707.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1188, 1189, 1191, 1226, 1227.

Indian Tea Control Bill—

Motion to refer to Select Committee. 1622-23.

Indian Wireless Telegraphy Bill—

Motion to consider. 719.

Land Acquisition (Amendment) Bill—

Motion to consider. 723-24.

Motion for Adjournment re—

Alleged scurrilous articles in the Daily Gazette re Mahatma Gandhi. 1421, 1424-28, 1437.

Facilities given to Mahatma Gandhi in jail. 150, 151, 152, 158, 159.

Mirshadabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 728.

Consideration of—

Clause 3. 1563.

Clause 4. 1568, 1569.

Clause 7. 1571-72.

**Question re—**

Absence of a direct train between Delhi and Karachi. 106-09.

Absence of a direct train between Lahore and Karachi via Dadu. 109

**LALCHAND NAVALRAI, MR.—contd.****Question re—contd.**

- Additional Income-tax Officer, and Assistant Income-tax Officer, Karachi. 257-58.
- Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460-62.
- Alleged attack on Mahatma Gandhi by the Daily Gazette of Karachi. 1268-75.
- Amendment of section 61 of the Indian Income-tax Act. 259-60.
- Amendment of section 64 of the Indian Income-tax Act. 1451.
- Amount paid to witnesses for going to London for giving evidence before the Joint Parliamentary Committee. 342-43.
- Applications received from assessee in Sind for transfer of their assessment. 1450-51.
- Assessment of Income-tax from contractors in Sind. 259.
- Assessment proceedings under the Indian Income-tax Act in Sind. 258-59.
- Beggars on the station platforms of State Railways. 252.
- Beggary in India. 251-52.
- Clerical staff of the Currency Offices in India. 754-55.
- Communal composition of Inspectors and Assistant Examiners, etc., in the Income-tax Department, Sind. 260-61.
- Complaints and hardships of Indians in the Panamanian countries, America. 463.
- Construction of quarters in New Delhi. 913.
- Contracts of stalls at Railway stations. 263-64.
- Death of certain political prisoners in the Andamans. 110.
- Difficulties and hardships of pilgrims returned from Hedjaz. 9-11.
- Difficulties experienced by Indian students in the Universities in Great Britain. 556-57.
- Disability pensions drawn by Preventive Officers and Inspectors in the Karachi Customs House. 261-62.
- Duties of the Divisional Personnel Officers on the North Western Railway. 1744-45.
- Enforcement of the attendance of persons at police stations by police officers. 12-15.
- Examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 458-60.
- Hunger-strike by certain political prisoners in the Andamans. 110.

**LALCHAND NAVALRAI, MR.—contd.****Question re—contd.**

- Introduction of elective system in the Quetta Municipality. 180.
- Lloyd Barrage scheme on the Indus River. 92-93.
- Military dairies in Simla and Lahore. 268-63.
- Persons whipped in connection with the Civil Disobedience Movement, 15-16.
- Post of Office Superintendent, Karachi Division, North Western Railway. 628-29.
- Professional representation in the Civil and Criminal Courts of Quetta. 18082.
- Quotta Club. 179-80, 1125-26.
- Re-employment of retrenched staff of the North Western Railway. 1661-62.
- Release of Mahatma Gandhi. 11-12.
- Selection of Journeymen for the North Western Railway Workshops, Mughalpura. 734-35.
- Survey of the Karachi-Bombay proposed broad gauge line. 1667-68.
- Suspension of the Civil Disobedience Movement. 91-92.
- Transfer of certain men of the commercial staff employed in the Quetta Division on the North Western Railway. 796.
- Translation of the form of notice of demand of Income-tax in Sindhi. 259.
- Transportation of political prisoners to the Andamans. 110-12.
- Question (Supplementary) re—**
- Age of compulsory retirement in Railway Board's Office. 1045.
- Allegations against the British India Steam Navigation Company. 375.
- Allegations against the Military in Calcutta. 172-75.
- Allegations against the police in Calcutta and Bombay. 1740-1741.
- Alleged unfair treatment of the Railway Officers towards Muslim employees. 1098.
- Appointment of an Indian as Director General, Indian Medical Service, or as Public Health Commissioner in India. 924-25.
- Appointment of Presidents and Members of the Tariff Board from provinces other than Bombay. 929.
- Arrest of Mr. Devidas Gandhi at Delhi. 762, 763.
- Case of one Mr. Bharthi, ex-Guard, East Indian Railway. 1337, 1338.
- Changes in the treatment of prisoners in the Andamans. 1602.

**LALCHAND NAVALRAI MR.—contd.**

- Question (Supplementary) *re—contd.*  
 Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1461.  
 Confidential report submitted by the Haj Enquiry Committee. 739, 740.  
 Construction of a bridge on a canal between Moghalpura and Lahore on the North Western Railway. 1009, 1010.  
 Construction of quarters in New Delhi. 345.  
 Consultation with the Local Advisory Committees on different Railways in fixing rates for eatables and aerated water. 274, 275  
 Death of certain political prisoners in the Andamans. 103.  
 Denial of equity and fairplay to Indians in New Zealand. 532, 533.  
 Differential treatment in sanctioning special pay for town Inspectors and Accountants of post offices. 1027.  
 Discrimination against Asiatic staff in the Tanganyika Railways. 1004, 1005.  
 Disposal of certain publications as waste paper on the eve of the transfer of the Central Publication Branch to Delhi. 431, 432, 433.  
 Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 337.  
 Educational requirements of the new Indian Army. 276.  
 Employment of Muslim doctors and hospital assistants on pilgrim ships. 621.  
 Examination for recruitment of new hands in the Wireless Telegraph Department. 526.  
 Experimental check over the Traveling Ticket Examiners' work on the East Indian Railway. 498.  
 Failure of water supply at the Kurukshetra station after the solar eclipse. 1258.  
 Firms manufacturing playing cards in India. 325-26.  
 Fixation of percentage for appointments in Government service for Muslims and other communities. 89, 90  
 Gold exported from India since Great Britain went off the gold standard. 445.  
 Ground engineers employed in different flying clubs in India. 365.  
 Horse breeding in the Jhelum Canal Colonies. 523.  
 Hunger-strike by certain political prisoners in the Andamans. 336.

**LALCHAND NAVALRAI, MR.—contd.**

- Question (Supplementary) *re—contd.*  
 Increase in the import of fruits and vegetables from foreign countries. 1119.  
 Indian students outside India. 272.  
 Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1594.  
 Interview with political prisoners in the Andamans by their relatives 364.  
 Interviews granted with political prisoners in the Andamans. 1598.  
 Irregularities in charging salaries of the subordinates on the East Indian Railway. 1752.  
 Judicial officers in the Delhi Province. 927.  
 Leasing out of military dairies to contractors. 1279.  
 Loans advanced to the Bahawalpur State out of Indian revenues. 937, 938.  
 Maintenance of the family of Hyder Ali and Tipu Sultan. 31.  
 Management of the Hindu Refreshment room at Lahore Railway Station. 1011, 1013.  
 Marking of sixteen square feet space for each pilgrim in pilgrim ships. 619-20.  
 Memorial submitted by Assistant Way Inspectors, North Western Railway, for modification in their condition of service. 1013, 1014.  
 Mr. Gandhi's fast. 26, 30.  
 Nomination of members of the New Delhi Municipal Committee. 1263.  
 Opinions about the unification of standards of the medical licentiates. 280.  
 Participation of Indian shipping in the coastal and overseas trade of India. 1266.  
 Pay of new entrants to the Indian Civil Service and the Indian Police Service. 273.  
 Permission to prisoners in the Andamans to have money in Jailor's custody for personal expenditure. 1598.  
 Playing cards imported into British India from Japan. 1117.  
 Proceedings of the Sub-Committee of the World Economic Conference dealing with shipping subsidies. 1251.  
 Procession on the Ekadasi Day in Shahdara, Delhi. 1459.  
 Proposed raising of the Age of Superannuation. 535.  
 Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

**LALCHAND NAVALRAI MR.—contd.****Question (Supplementary) re—contd.**

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to London. 269, 270.

Reply of telegrams enquiring about the health of political prisoners in the Cellular Jail, Andamans. 362.

Representation for the postponement of the Autumn Session of the Legislative Assembly to November. 266.

Representation of the travelling public at the Rail-Road Conference held at Simla. 1020.

Representations made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the Andamans. 1600, 1601.

Reservation of accommodation for ladies on the Great Indian Peninsula Railway. 770.

Restriction on the possession of swords. 437, 438.

Retrenchment in the United Provinces Postal Circle. 1029.

Running of a through bogie between two stations. 1256.

Running of the Fruit Farm at Quetta on commercial lines. 616.

Separation of Aden from India. 447.

State Prisoners in custody. 4, 5, 6.

Transfer of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 1032, 1033.

Treatment meted out to Mr. M. S. Aney in the Midnapur Jail. 175-78.

Waiting list of retrenched personnel in Railway Board's Office. 1046.

Working of the oil-press in jails. 1037.

Removal of Doubts about the Application of the Doctrine of Representation, in case of succession to Stridhan under the Dayabhag Bill—

Motion to circulate. 989, 990.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1509.

Resolution re—  
Admissions to the Military Academy, 1157-59.

Proprietary rights of citizens in the land. 1148-50.

Raising of duty on foreign cotton imports. 569-70, 573, 574.

Repayment of half currency notes. 590-91.

**LALCHAND NAVALRAI MR.—contd.**

Workmen's Compensation (Amendment) Bill—

Consideration of—

Clause 2. 69-70, 78.

Clause 3. 82.

Clause 18. 119-20.

Clause 21. 124, 125.

**LAND(S)—**

Question re—

Area of — in New Delhi reserved for allotment to Diwans and Raikes. 1125.

Racial restrictions against Indians to buy — in Kenya. 1003.

Sale of the surplus — at Snmmer Hill called the football ground. 751-52.

Withdrawal from Cantonment authorities the management of class B — and entrusting the same to the Military Estates officers. 612-13.

Resolution re proprietary rights of citizens in the —. 1126-51.

**LAND ACQUISITION (AMENDMENT) BILL—**

See "Bill(s)".

**LAND MORTGAGE BANK—**

Question re declaration of debentures of the Central — of Madras as trustee securities. 618.

**LAND REVENUE—**

Question re reduction of — and grant of Takavis to agriculturists in Sind and Baluchistan. 795.

**LANGUAGE(S)—**

Question re qualifications possessed by the Superintendent of Education, Delhi, in the Gujarati and Marathi —. 555.

**LATHI(S)—**

Question re proposal to check illicit travelling by use of — on the East Indian Railway. 499.

**LAVATORY—**

Question re want of proper — arrangement in the Madras General Post Office Building. 1174.

**LEAFLET(S)—**

Question re remand to police custody of persons arrested for distributing unauthorised — in Delhi. 271.

**LEASES—**

Question re — in Kenya Native Reserves. 1004.

**LEAVE—**

Question re—

Applications for — by the guards on the East Indian Railway. 183b 39.

— and pension of military employees invalided during the Great War. 770-73.

Non-grant of — to the inferior servants of the Telegraph Department. 1371.

**LEAVE RESERVE—**

Question re introduction of — and new scales of pay in the Government of India offices. 1678.

**LEAVE RULE(S)—**

Question re report of the Enquiry about the —. 535.  
See also "Rule(s)".

**LEE, MR. D. J. N.—**

Oath of Office. 2.

**LEGISLATIVE ASSEMBLY—**

Address, by His Excellency the Viceroy to the Members of the Council of State and the —. 417-25.

**Question re—**

Cost incurred by Government on the haulage, travelling and other allowances for the nominated members of the —. 1121.

Nomination of the Members of the — to the Joint Parliamentary Committee. 191-93.

Representation for the postponement of the autumn session of the —. 266-67, 1589.

Ruling as to whether a member of the Executive Council of the Governor General, who is not a Member of the —, has the right of raising a point of order on the floor of the House. 1692-93.

**LEGISLATIVE COUNCIL(S)—**

Question re seats for Muslims in the Bihar and Orissa —. 454.

**LEGISLATURE(S)—**

**Question re—**

Construction of new quarters for Members of the — in New Delhi. 345-46.

Nomination of a Moplah Member of the Central — to the Committee to be formed for arranging the constituencies of the Federal Assembly. 635.

**LETTER(S)—**

Question re — found uncleared from the — box of the Pishin Post Office. 954.

**LETTER BOX(ES)—**

Question re letters found uncleared from the — of the Pishin Post Office. 954.

**LEVEL CROSSING—**

Question re — on either side of the Railway station at Unao. 464-65.

**LICENCE(S)—**

**Question re—**

— fees for Charas shops in Delhi. 41.

— for Tell and Diana brand German air pistols in Bengal. 685.

**LICENTIATE(S)—**

Question re opinions about the unification of standards of the medical —. 279-80.

**LIFE CONVICT(S)—**

See "Convict(s)".

**LIGHT(S)—**

**Question re—**

Arrangements for — in the compartments of the Broach Jambusar Railway. 434-35.

— of railway signals. 114.

**LIGHTHOUSE(S)—**

Motion re dues in respect of — and buoy in British India. 1865.

**LILADHAR CHAUDHURY, SETH—**

**Question re—**

Bandot Supervisors in Telegraph Offices. 1686-87.

Discharge of certain Hindus in the Dehra Dun Head Post Office. 1685-86.

Grant of pension to telephone operators. 1688-89.

Non-observance of certain orders of the Postmaster General, Punjab. 1687-88.

Position of an official appointed in a new office after the abolition of his post in his former office. 1689.

Posting of Hindu Superintendents in the Punjab and North-West Frontier Postal Circle. 1683.

Preponderance of Muslims in the Peshawar Postal Division. 1683-85.

Replacement of a few Muslims by Hindus in the inferior establishment of the Jhelum Head Post Office. 1688.

Reservation of accommodation for ladies on the Great Indian Peninsula Railway. 769-70.

Supersession of telephone operators in the Lahore Telegraph Engineering Division. 1689.

**LILLOOAH—**

**Question re—**

Appointment of ex-apprentices of the — Workshop. 381.

Appointment of — apprentices. 1356-57, 1357-58.

Appointment of — apprentices as Electricians and Train Examiners. 1359.



**LILLOOAH—contd.****Question re—contd.**

Appointment of — apprentices as train examiners. 1358-59.

Appointment of — ex-apprentices as Ward-keepers, etc., on the East Indian Railway. 380.

Appointment of trained ex-apprentices in the East Indian Railway Workshops, —. 564.

Mechanical ex-apprentices of the East Indian Indian Railway Workshop, —. 560.

**LINO MACHINES—**

See "Machine(s)".

**LINO OPERATORS—**

See "Operator(s)".

**LIQUIDATION—**

Question re — of the Indarprasth Stores, Delhi. 1756.

**LIQUOR—****Question re—**

Adulteration in the country — in Delhi. 503-04.

Complaints about adulteration in country — bottles. 40.

Duty on country —. 40.

Introduction of tender system for sale of country — in Dehi. 499-500.

Maintenance of a uniform rate for retail sale of country — in Delhi. 502-03.

Sale of coloured and plain — at Delhi. 500-01.

Selling price of country — in Delhi. 501-02.

**LLOYD BARRAGE—**

Question re — scheme on the Indus River. 92-93.

**LLOYD, THE HONOURABLE MR.**

A. H.—

Indian Income-tax (Third Amendment) Bill—

Motion for leave to introduce. 56.

Oath of Office. 1.

**LOAN(S)—****Question re—**

— advanced to the Bahawalpur State out of Indian revenues. 935-40.

— due to Indian States and Provincial Governments. 536.

— taken by Provincial Governments. 537-38.

Refusal of Provincial Governments' Demand for —. 537.

Repayment of 4 per cent. Conversion —. 253.

**LOANS AND ADVANCES BEARING INTERESTS—**

Demand for Excess Grant. 1229.

**LOCAL ADVISORY COMMITTEE(S)—**

See "Advisory Committee(s)".

**LOCAL BODIES—**

Question re Grants-in-Aid to — in the Cantonments. 512-13.

**LOCAL GOVERNMENT(S)—****Question re—**

Grant of power of borrowing money to —. 537.

Promotion of subordinates to — service in an officiating capacity on all State Railways except on the Great Indian Peninsula Railway, 340.

**LOCAL RAILWAY ADVISORY COMMITTEES—**

See "Advisory Committee(s)".

**LOCAL SELF-GOVERNMENT—**

Question re extension of the privileges of the — to New Delhi public. 1108.

**LOCATION—**

Question re — of some attached offices in New Delhi. 894-95.

**LOCUST CAMPAIGN—**

Question re staff serving under the Imperial Council of Agricultural Research in connection with —. 1761-62.

**LONDON—****Question re**

Agreement on the production of sugar reached in the World Economic Conference in —. 493.

Amount paid to witnesses for going to — for giving evidence before the Joint Parliamentary Committee. 342-43.

Minute of dissent of Sir Purshotamdas Thakurdas on the report of the — Committee on the Indian Reserve Bank. 1690-92.

Presidential speech of Mr. Subhas Chandra Bose in the recent political conference in —. 255-56.

Raising of a sterling loan in — by the Secretary of State for India. 1362-64.

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to —. 269-70.

Representatives of India at the World Economic Conference in —. 253-55.

Telephone connection of India with —, etc. 97-98.

**LOOP LINE—**

Question *re* introduction of a faster train via — from Howrah to Delhi. 1854-55.

**LORRY—**

Question *re* use of office — by the Manager, Central Publication Branch. 1475.

**LOWER DIVISION—**

Question *re* examination for — postal clerks held at Delhi. 954.

**LOWER SCALE—**

Question *re* — of Railway freight on coal from Pench and Chanda Valley collieries. 1044.

**LUCKNOW—**

Question *re*—

Absence of a direct train between Delhi and —. 1105.

Promotion of Indian Assistant Station Masters as Guards in the Moradabad and — Divisions, East Indian Railway. 293.

Proposed transfer of the seat of the High Court from Allahabad to —. 1255.

Running of a through bogie between — and Bombay. 1828.

**LUGGAGE ALLOWANCE—**

Question *re* increase of free — on hill sections. 1114-15.

**LUMSDEN SQUARE—**

Question *re* insanitary conditions near Samru Place and —, New Delhi. 1290.

**MACHINE(S)—**

Question *re*—

Introduction of Lino — in the Government of India Presses. 1843-44.

Purchase of certain — by the East Indian Railway Press. 1342-43.

Purchase of time-recorder — by the East Indian Railway Press. 1341-42.

**MACKENZIE, MR. R. T. H.—**

Election of — to the Standing Committee for the Department of Commerce. 951.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 21. 131.

**MADHIPURA—**

Question *re* transfer of the Supaul and — Sub-Divisions in the Bhagalpur District to Purnea District for Income-tax purposes. 278.

**MADRAS—**

Question *re*—

Allowance to the stenographers of the Central Telegraph Office and General Post Office. —. 1851-52.

Communal composition of the gazetted staff in the — Postal Circle. 650-52.

Communal composition of the non-gazetted staff in the — Postal Circle. 671-72.

Declaration of debentures of the Central Land Mortgage Bank of — as trustee securities. 618.

Grades of officers in the — Customs Preventive Staff. 1333.

Grant of increments to the officials of the Sorting Office, — General Post Office. 1551.

Inadequacy of the space for the staff in the — General Post Office. 1171-73.

New overtime rules for the Assistant Preventive Officers of the — Customs Office. 1333-34.

Removal of the sorting office to the — General Post Office building. 198-99.

Revision of the timings of the Grand Trunk Express between — and Delhi. 1829.

Structure of the — General Post Office Building. 1173.

Want of proper lavatory arrangement in the — General Post Office Building. 1174.

**MADRAS AND SOUTHERN MAHARATTA RAILWAY—**

See "Railway(s)".

**MADRAS AND SOUTHERN MAHARATTA RAILWAY EMPLOYEES' UNION—**

See "Union(s)".

**MADRAS PRESIDENCY—**

Question *re*—

Bengal State Prisoners detained in jails of the —. 395.

Diet allowance of certain Bengal State Prisoners detained in jails in the —. 895-96.

Sports allowance for Bengal State Prisoners in jails of the —. 896-97.

**MAGAZINE—**

Question *re* reports of Mr. I. M. Pekham, United States Attorney, about the *Ghadar* party. —. 457.

**MAGISTRATE(S)—**

Question *re* City — of Delhi. 105-06.

**MAHABIR SINGH—**

Question *re* forced feeding of —, a late political prisoner in the Cellular Jail, Andamans. 285-86.

**MAIL(S)—**Question *re*—

Derailment of the Punjab — in the Dinapore Division, East Indian Railway. 445-46.

Diversion of the East Indian Railway Punjab — from the main line to the Grand Chord. 33-34, 336-38, 609.

Expenditure incurred for conveyance of — by the sub-postmaster, Staff College, Quetta 1664.

Running of dining cars for Indian passengers in — and express trains. 766.

Saving effected by the discontinuance of allowance paid to postmen for the delivery of Foreign —. 542.

**MAIL TRAINS—**

See "Train(s)".

**MAILANI—**Question *re* construction of platforms and overbridges at — and Bhojpur stations on the Rohilkund and Kumaon Railway. 758.**MAIN LINE—**Question *re*—

Diversion of the East Indian Railway Punjab Mails from the — to the Grand Chord. 33-34, 336-38, 609.

Electrification of the — of the Great Indian Peninsula Railway. 1859

Trains running on the Grand Chord and — of the East Indian Railway between Howrah and Moghal sarai. 609-10.

**MAIZE POOL SCHEME—**Question *re* — in Kenya. 1006-07.**MALA—**Question *re* railway accident at — Rohilkund and Kumaon Railway. 756.**MALABAR—**Question *re* Moplahs convicted of offences connected with the — Rebellion in jails and in the Andamans. 634.**MALDIV ISLANDS—**Question *re* troubles in —. 1110.**MALTREATMENT—**Question *re* — of Mr. Keshva Chandra Gupta, a political prisoner. 921.**MANAGER—**Question *re* use of office lorry by the —, Central Publication Branch. 1475.**MANGHARAM, MR.—**Question *re* allegations against one —, Sub-Postmaster, Kambar. 264-65.**MANURE(S)—**Question *re* freight on — and fertilisers on the Madras and Southern Mahratta and South Indian Railways. 1018-19.**MARATHI—**Question *re* qualifications possessed by the Superintendent of Education, Delhi, in the Gujarati and — languages. 555.**MARINE ENGINEERS—**

See "Engineer(s)".

**MASTER—**Question *re* special qualifications required for the posts of the — and Deputy — of Nasik Presses 785.**MASWOOD AHMAD, MR. M — \***

Amendment of Standing Orders—

Motion for leave to amend. 206.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 1066-67.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1232-34, 1236.

Election of — to the Select Committee on the Amendment of Standing Orders. 733.

Hedjas Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1648-53, 1654, 1694, 1695, 1696, 1697, 1698, 1711.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 208.

Imperial Bank of India (Amendment) Bill—

Motion making nominations to the Joint Committee. 1772.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 319-20, 323.

Consideration of clause 2. 692.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1224.

Motion for Adjournment *re*—

Aerial bombardment of Kotkai in the Trans-Frontier. 554, 583-85.

Alleged scurrilous article in the *Daily Gazette re* Mahatma Gandhi. 1442-44.

Facilities given to Mahatma Gandhi in jail. 768.

**MASWOOD AHMAD, MR. M.—contd.**

**Motion re—**

Election of the Standing Committee for the Department of Commerce. 293.

Election of the Standing Committee for the Department of Industries and Labour. 233.

**Question re—**

Absence of a direct train between Delhi and Lucknow. 1105.

Absence of Muslim Officers in the Calcutta Port Trust. 546-47, 1766.

Action taken on the recommendations contained by Mr. K. M. Hassan's report. 455.

Age of compulsory retirement in Railway Board's Office. 1045-46.

Age-limit for certain appointments in the Army. 276-77.

Air bombardment on the tribal area of the North-West Frontier 679-84.

Allegations against Mr. Chandra, Archaeological Superintendent. Poona. 1856-57.

Allegations in regard to punishments etc., meted out to political prisoners in the Harijans Central Jail. 1122.

Alleged injustice to Muslims in the Railway Mail Service, Allahabad 1100-01.

Alleged unfair treatment of the Railway Officers towards Muslim employees. 1096-98.

Amalgamation of clerical grades in the Audit Department, North Western Railway. 947-48.

Amendment of leave rules as recommended by the Inchaque Committee. 616.

Amount contributed by the Government of India to different provinces for the benefit of agriculture. 450.

Amount paid to each witness invited to give evidence before the Joint Parliamentary Committee. 748-50.

Amount paid to witnesses for going to London for giving evidence before the Joint Parliamentary Committee. 342-43.

Amount spent on the salaries and allowances of the officers under the Calcutta Port Trust. 547, 1766.

Application from Jamiat-ul-Ulema for giving evidence before the Joint Parliamentary Committee. 1035.

Appointment of a Financial Adviser to the Chief Commissioner, Andamans. 536.

**MASWOOD AHMAD, MR. M.—contd.**

**Question re—contd.**

Appointment of Muslims in the Commercial Statistics Branch of the Commerce Department. 1095-96.

Arrangements for lights in the compartments of the Broach Jambusar Railway. 434-35.

Bodies in Transvaal representing the Indian interests. 450.

Calling of Indians as Hindus in the United States of America. 457-58.

Certain schemes in operation in Japan. 277.

Civil Hospital, Delhi. 201.

Claims of the Posts and Telegraphs Department against the Railways. 617.

Committees formed in connection with constitutional reforms. 1445-46.

Communal composition of apprentices nominated to the Welding Department, Jamalpur Railway Workshop. 544.

Communal composition of certain grades of services in the Accounts Department, East Indian Railway. 1853.

Communal composition of the clerks in the Deputy Commissioner's Office, Delhi. 941.

Communal composition of the gazetted staff in the Bengal and Assam Postal Circle. 640-42.

Communal composition of the gazetted staff in the Bihar and Orissa Postal Circle. 642-44.

Communal composition of the gazetted staff in the Bombay Postal Circle. 644-46.

Communal composition of the gazetted staff in the Burma Postal Circle. 646-48.

Communal composition of the gazetted staff in the Central Postal Circle. 648-50.

Communal composition of the gazetted staff in the Madras Postal Circle. 650-52.

Communal composition of the gazetted staff in the Punjab and North-West Frontier Postal Circle. 652-54.

Communal composition of the gazetted staff in the Sind and Baluchistan Postal Circle. 654-56.

Communal composition of the gazetted staff in the United Provinces Postal Circle. 656-58.

Communal composition of the gazetted staff on the Multan Division of the North Western Railway. 1106-07.

**MASWOOD AHMAD, MR. M.—contd.****Question re—contd.**

- Communal composition of the gazetted staff under the direct control of the Director General of Posts and Telegraphs. 635-40.
- Communal composition of the Judges of High Courts and Chief Courts. 906
- Communal composition of the non-gazetted staff in the Bengal and Assam Postal Circle. 661-62
- Communal composition of the non-gazetted staff in the Bihar and Orissa Postal Circle. 663-64.
- Communal composition of the non-gazetted staff in the Bombay Postal Circle. 665-66.
- Communal composition of the non-gazetted staff in the Burma Postal Circle. 667-68.
- Communal composition of the non-gazetted staff in the Central Postal Circle. 669-70.
- Communal composition of the non-gazetted staff in the Madras Postal Circle. 671-72.
- Communal composition of the non-gazetted staff in the Punjab and North-West Frontier Postal Circle. 673-74.
- Communal composition of the non-gazetted staff in the Sind and Baluchistan Postal Circle. 675-76.
- Communal composition of the non-gazetted staff in the United Provinces Postal Circle. 677-78.
- Communal composition of the non-gazetted staff under the direct control of the Director General of Posts and Telegraphs. 658-60.
- Communal composition of the staff recruited by the Chief Medical Officer, North Western Railway. 1288.
- Conditions of agriculture and industries in foreign countries. 1047.
- Confidential report submitted by the Haj Enquiry Committee. 739-40.
- Consideration of the Hedjaz Pilgrims (*Muallims*) Bill in the current Session of the Legislative Assembly. 600-01.
- Construction of the New Narbada Bridge on the Bombay, Baroda and Central India Railway. 272.
- Consultation with the Local Advisory Committees on different Railways in fixing rates for eatables and aerated water. 273-76.
- Contract for Muslim sweets-stall at Amritsar. 1099.

**MASWOOD AHMAD, MR. M.—contd.****Question re—contd.**

- Conversion of the pensions of certain officers from "voted" to "non-voted". 535-36.
- Death of one H. Bagchi, a detenu in the Deoli Detention Camp. 1257.
- Decisions of the Tribunal on Capital Charges. 617.
- Declaration of debentures of the Central Land Mortgage Bank of Madras as trustee securities. 618
- Defects in certain quarters of Lake and Clive Squares in New Delhi. 1281-82.
- Denial of equity and fairplay to Indians in New Zealand. 532-34.
- Derailment of a passenger train near Dharampur, Kalka-Simla Railway. 550.
- Derailment of an engine and some bogies near Chiniot, North Western Railway. 1259.
- Derailment of the Punjab Mail in the Dinapore Division, East Indian Railway. 445-46.
- Detenus kept in different places. 443-44.
- Detenus sent to the Deoli Detention Camp. 445.
- Determination of seniority in the Deputy Commissioner's Office, Delhi. 941.
- Differential treatment of European, Anglo-Indian and Indian Assistant Station Masters on the East Indian Railway. 633, 634.
- Discouragement of the formation of Muslim Trade Unions. 607.
- Disproportion of certain appointments on the North Western Railway. 276.
- Doctors in charge of hospitals on pilgrim ships. 621.
- Educational requirements of the new Indian Army. 276.
- Employment of communities inadequately represented in the Central Public Works Department. 1095.
- Employment of Muslim doctors and hospital assistants on pilgrim ships. 621.
- Enforcement of the Punjab Primary Education Act in Delhi. 1347-48.
- Evidence given by the Secretary of State for India and by Sir Malcolm Hailey before the Joint Parliamentary Committee. 543.
- Excess in expenditure under "Pay and Allowances" of Reservists. 606-07.
- Exclusion from customs duty of *Tabarrukat*, imported by Haj pilgrims. 622.

**MASWOOD AHMAD, MR. M.—contd.**  
Question *re—contd.*

- Expenditure of the Indian Railway Conference Association. 618.
- Expiry of the Indo-Japanese Trade Convention of 1905. 747.
- Export duty on rice. 451.
- Export of Bihar rice. 688.
- Extension of certain privileges to the Bihar and Orissa and Calcutta Muslim Chambers of Commerce. 453-54.
- Facilities for the Mount Everest Air Expedition. 439-40.
- Facilities given to Muslim employees of the State Railways to perform Id-ul-Zuha and Id-ul-Fitr prayers. 544.
- Failure of water supply at the Kurukshetra station after the solar eclipse. 1257-58.
- Fares of different classes on State Railways. 435-36.
- First class railway passes allowed to the Head Mistress of the Oakgrove School. 453.
- \* Fixation of the date and time for different Standing Committees. 1260-61.
- Foreign companies doing insurance business in India. 445.
- Forward policy of Government on the North-West Frontier Border. 1387.
- Free occupation of Government quarters by certain employees of the Archæological Department. 1856.
- Geneological table of the Delhi Royal Family prepared by the Chief Commissioner of Delhi. 41-47.
- Gold and silver reserves in India. 448-49.
- Gold bullion in reserve in the Currency. 601.
- Gold exported from India since Great Britain went off the gold standard. 444-45.
- Government's share in Company-managed Railways. 455-56.
- Grant of power of borrowing money to Local Governments. 537.
- Grievances of apprentices working in the Deputy Commissioner's office Delhi. 941.
- Hardships felt by passengers visiting the fair at Ajmer. 435.
- Ignoring the claims of Muslims in the Archæological Department. 1857-58.
- Illness of Khan Abdul Ghaffar Khan's brother. 1036.
- Illness of Mr. Dharendra Chandra Kundu Roy, a detenu in the Deoli Detention Camp. 448.

**MASWOOD AHMAD, MR. M.—contd.**  
Question *re—contd.*

- Impending visit of a Japanese Delegation for negotiations for a trade convention. 747-48.
- Import of motors into India and the duty thus realised. 442.
- Increase in the number of Muslim Judges in the Calcutta High Court. 907.
- Indian students outside India. 272.
- Industries given protection under the Saiguarding of Industries Act. 744-46.
- Introduction of new scales of pay for new entrants to services under the control of the Government of India. 273.
- Introduction of new system of hours of rest on the East Indian Railway. 633.
- Issue of Railway passes to Government servants instead of granting travelling allowance. 452-53.
- Keeping of the Calcutta High Court in the new Constitution on different footing from that of other High Courts. 750.
- Loans due to Indian States and Provincial Governments. 536.
- Loans taken by Provincial Governments. 537-38.
- Loss on coinage in the Currency Department. 604.
- Losses incurred in working the Executive Commissariat Department in the Andamans. 605-06.
- Manufacture of playing cards in India. 545-46.
- Marking of sixteen square feet space for each pilgrim in pilgrim ships. 619-20.
- Military expenditure in 1930-31. 604.
- Moplahs convicted of offences connected with the Malabar Rebellion in jails and in the Andamans. 634.
- Moplahs detained under Regulation III and the Moplah Outrages Act. 634-35.
- Moplahs wanted by police under Regulation III and the Moplah Outrages Act. 634.
- Mr. Gandhi's fast. 26-30, 1122-23.
- Mr. Gandhi's telegram to the Private Secretary to His Excellency the Viceroy and replies thereto. 538-40.
- Murder of one Sardar Sher Singh in California, United States of America. 456-57.
- Muslim Sub-Assistant Surgeons and Assistant Surgeons on the East Indian Railway. 1288.
- Muslims and Company-managed Railway. 1100.

**MASWOOD AHMAD, MR. M.—contd.**  
**Question re—contd.**

- New ten-rupee and five-rupee currency notes. 1034-35.
- Night duty of Assistant Station Masters on certain branch lines of the East Indian Railway. 633
- Nomination of a Moplah Member of the Central Legislature to the Committee to be formed for arranging the constituencies of the Federal Assembly. 635.
- Non-appointment of a Muslim on Committees formed in connection with the separation of the Orissa Province. 341-42.
- Non-reservation of a compartment for ladies in the Light Trains running between Bareilly Junction and Pilibhit on the Rohilkund and Kumaon Railway. 1106.
- Number and percentage of Indians in New Zealand. 532.
- Proposed demolition of a portion of the wall which separates Old Delhi from New Delhi. 543-44.
- Organisations invited for giving evidence before the Joint Parliamentary Committee. 748-50.
- Overlooking of claims of trained Indians in the Jamalpur Workshop, East Indian Railway. 545.
- Passes of different classes allowed to Railway employees. 452.
- Pay of guards on the East Indian Railway. 632.
- Pay of Indian Assistant Station Masters on the East Indian Railway. 632.
- Pay of Indian Station Masters on the East Indian Railway. 632.
- Pay of new entrants to the Indian Civil Service and the Indian Police Service. 273.
- Pay of train clerks, telephone clerks, etc., on the East Indian Railway. 632.
- Pay of Travelling Ticket Examiners on the East Indian Railway. 632.
- Payment by the Indian States and Provincial Governments of debt instalments. 537.
- Payment made to the Indian Branch of the Ross Institute. 1258.
- Pension aid to the Delhi Royal Family. 48.
- Permanent clerks working in the Sub-Registrar's Office, Delhi. 941.
- Permanent vacancies in certain departments of the Great Indian Peninsula Railway. 339-40.
- Persons detained in different Detention Camps in India. 453.
- Persons getting extensions after reaching the age of superannuation in the Deputy Commissioner's Office, Delhi. 940-41

**MASWOOD AHMAD, MR. M.—contd.**  
**Question re—contd.**

- Persons in jail in connection with the Civil Disobedience Movement or other political movements. 443
- Political prisoners confined in jails in India and in the Andamans 497.
- Preparation of rolling stock programme of Railways. 613-19.
- Prevention of the sale of bad salt to the public. 538.
- Promotion of subordinates in the Engineering Department of the Great Indian Peninsula Railway. 338.
- Promotion of subordinates to Local Government service in on officiating capacity on all State Railways except on the Great Indian Peninsula Railway. 340.
- Proposal for the introduction of modified system of Commercial accounts in the Bengal Cinchona Department. 615.
- Proposed raising of the age of superannuation. 535.
- Provision of facilities for Tibbi treatment on pilgrim ships. 622-23.
- Publication of advertisements in connection with the services and educational matters, etc., in the Gazette. 603-04.
- Qualifications for appointment as as Chief Claims Clerk in the office of the Deputy Chief Commercial Manager, East Indian Indian Railway. 452.
- Racial discrimination in the Jamalpur Workshop, East Indian Railway. 544, 545.
- Ratification of the Air Convention of 1914. 290.
- Recognition of Muslim Trade Unions. 607-08.
- Recommendations of the Haj Enquiry Committee. 615.
- Recruitment of Muslims in the Calcutta Port Trust. 548-49, 1766-67.
- Recruitment of staff in the Calcutta Port Trust. 1767.
- Reduction of the cost of post cards. 438-39.
- Refusal by Messrs. Turner Morrison Company to issue concession tickets to poor pilgrims. 622.
- Refusal of Provincial Governments' Demand for Loans. 537.
- Refusal to allow Mr. Ismail Ghuznavi to proceed to Mecca for Haj pilgrimage. 1659-61.
- Release of Khan Abdul Ghaffar Khan. 1036

**MASWOOD AHMAD, MR. M.—*contd.***

**Question *re—contd.***

- Release of members of the Working Committee of the Jamiat-ul-Ulema-i-Hind. 1350.
- Removal of surplus posts in the Engineering Cadre of the Great Indian Peninsula Railway. 340.
- Replacement of British clerks at the Headquarters of Commands of the Indian Army by Indian clerks. 277.
- Report of the enquiry about the leave rules. 535.
- Reports of Mr. I. M. Pekham, United States Attorney, about the *Ghadar* party magazine. 457.
- Representation of Muslims in the services under the control of the Government of India. 439.
- Representation of the Government of India at the International Wheat Conference. 1258-59.
- Representative of the All-India Muslim League for giving evidence before the Joint Parliamentary Committee. 343-44.
- Reservation of posts of Assistant Accounts Officers on the North Western Railway for Accountants and Inspectors of Station Accounts. 558-59.
- Resolutions passed by the Provincial Conference of the Trausvaal Indian Congress held at Johannesburg. 449-50.
- Rest for certain Station Masters on the East Indian Railway. 634.
- Restriction on the possession of swords. 436-38.
- Retrenchment in the Archaeological Department. 1855-56.
- Retrenchment of staff in the Calcutta Port Trust. 549.
- Retrenchment of staff in the Railway Board's Office. 1099-1100.
- Running of a through bogie between two stations. 1256.
- Running of mail trains through Patna. 1256.
- Running of special trains between Barsui and Kishanganj on the Eastern Bengal Railway. 631.
- Running of the Fruit Farm at Quetta on commercial lines. 615-16.
- Sale of five pice and four pice postage stamps. 438.
- Sale of Treasury Bills. 550-51.
- Seats for Muslims in the Bihar and Orissa Legislative Council. 454.
- Secretary to the Board of High School and Intermediate Education, Rajputana and Central India. 291.

**MASWOOD AHMAD, MR. M.—*contd.***

**Question *re—concl'd.***

- Selling price of milk and cream at the Wellington Farm. 604-05.
- Separation of Aden from India. 446-47.
- Separation of the different cadres of each railway. 340-41.
- Service Unions, Associations, etc., recognised by Government. 1047-51.
- Silver bullion in reserve in the Currency. 602.
- Space for alley-ways in pilgrim ships. 620.
- Steaming capacity of certain pilgrim ships. 621.
- Stores and stocks in factories under the Army Department. 606.
- Subscribed capital of the Imperial Bank of India. 602.
- Success of a non-matriculate temporary clerk of the Railway Board's Office in the Public Service Commission stenographers' examination. 1098-99.
- Sugar and Industries Conference held at Simla. 550.
- Supersession of Indian Assistant Station Masters by European and Anglo-Indian Guards on the East Indian Railway. 632-33.
- Supersessions on the North Western Railway. 1288.
- Surplus posts in superior cadres on the Great Indian Peninsula Railway. 338-39.
- Third International Congress on Penal Laws held at Palermo. 549-50.
- Through bogies between certain stations. 1255-56.
- Training in Commercial Engineering in America. 1106.
- Transfer of the Assistant Superintendent of Archaeology, Central India and Rajputana, to some other Circle. 1857.
- Troubles in Maldiv Islands. 1110.
- Uniforms supplied to the Assistant Station Masters on the East Indian Railway. 633.
- Utilisation of the two anna petrol tax. 440-41.
- Vacancies in the gazetted rank in the Railway Services. 1259-60.
- Value of service stamps. 454-55.
- Voluntary retirement of Muslim employees of the Calcutta Port Trust. 549, 1767.
- Waiting list of retrenched personnel in Railway Board's Office. 1046.



MASWOOD AHMAD, MR. M.—*contd.*Question (Supplementary) *re*—

Absence of a direct train between Lahore and Karachi via Dadu. 109.

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460.

Allegations against the Military in Calcutta. 172-75.

Allegations against the police in Calcutta and Bombay. 1740, 1741, 1742.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1270.

Appointment of an Indian as Director General, Indian Medical Service, or as Public Health Commissioner in India. 924.

Appointment of Presidents and Members of the Tariff Board from provinces other than Bombay. 929.

Arrests and detention in connection with alleged revolutionary activities in the Delhi Province. 270-71.

Case of one Mr. Bharthi, *ex-Guard*, East Indian Railway. 1338.

Consolidated allowances paid on the East Indian Railway. 1352, 1353.

Difficulties and hardships of pilgrims returned from Hedjaz. 10.

Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed Orissa Province. 8.

Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 338.

Duties of the Divisional Personnel Officers on the North Western Railway. 1744-45.

Externment of Maulana Sultan Ahmed from Delhi. 496, 497.

Firms manufacturing playing cards in India. 909.

Fixation of percentage for appointments in Government service for Muslims and other communities. 88.

Governing bodies of the East Indian Railway schools for Indians. 1255.

Grievances of the State Prisoners confined in the Damoh Sub-Jail. 283.

Housing problem of the Indian employees of the East Indian Railway at Jamalpur. 17, 18.

MASWOOD AHMAD, MR. M.—*concl.*  
Question (Supplementary) *re*—*concl.*

Inadequate appointments of Muslims as temporary Assistant Income-tax Officers in the United Provinces. 91.

Introduction of a new pattern of five-rupee note. 610-11.

Loans advanced to the Bahawalpur State out of Indian revenues. 936.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

Non-appointment of Muslims as extra-departmental Postmasters at Allahabad. 1823.

Procession on the *Ekdasi Day* in Shahdara. Delhi. 1459.

Professional representation in the Civil and Criminal Courts of Quetta. 180-82.

Protection of the private dairy industry from the unfair competition of military dairies. 1280.

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

Raising of a sterling loan in London by the Secretary of State for India. 1363.

Recruitment of ministerial staff of the Government of India Secretariat and attached offices. 932, 933.

Site Prisoners in custody. 5.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1500-06.

Resolution *re*—

Proprietary rights of citizens in the land. 1143, 1145-47.

Release of Mr. Gandhi, Mufti Kifaetullah and other political prisoners. 566.

Repayment of half currency notes. 596.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 23. 143.

## MATRICULATE(S)—

Question *re* success of a non-temporary clerk of the Railway Board's Office in the Public Service Commission stenographers' examination. 1098-99.

## MEAL RELIEF—

Question *re* — in post offices. 1367

## MECCA—

Question *re* refusal to allow Mr. Ismail Ghuznavi to proceed to — for Haj pilgrimage. 1659-61.

**MECHANICAL EX-APPRENTICES—**  
See "Apprentice(s)".

**MEDICAL AID—**

Question *re* — to non-gazetted Gov-  
ernment servants. 353

**MEDICAL ASSOCIATION—**

See "Association(s)".

**MEDICAL ATTENDANCE—**

Question *re* free — by the Civil  
Surgeons, Simla, to Indian Gov-  
ernment servants. 354-55.

**MEDICAL COUNCIL BILL—**

See "Indian —" under "Bill(s)".

**MEDICAL DEPARTMENT—**

Question *re*—

Communal composition of clerks in  
the — North Western Railway.  
1286.

Grievances of Muslims against the  
— of the North Western Railway.  
1283-84.

Paucity of Muslims in the — of  
the North Western Railway.  
515.

Promotions of Assistant Surgeons  
and Sub-Assistant Surgeons of  
the Indian —. 759-60.

**MEDICAL LICENTIATE(S)—**

See "Licentiate(s)".

**MEDICAL OFFICER(S)—**

Question *re*—

Abolition of the post of District —  
on the Rohilkund and Kumaon  
Railway. 755.

Communal composition of District  
— on State Railways. 1284.

Communal composition of staff  
in the office of the Chief Medical  
and Health Officer, North  
Western Railway. 1284-85.

Communal composition of staff  
recruited by the Chief —, North  
Western Railway. 1288.

Deputation of a medical man for a  
clerical job in the Office of the  
—, Lahore. 1287-88.

Dismissal of one B. Ghulam  
Muhammad, a clerk in the office  
of the Chief —, North Western  
Railway. 1287.

Representation of Muslims in the  
Establishment Branch of the  
Office of the Chief —, North  
Western Railway. 1285-86.

Victimisation of Muslims in the  
Office of the Chief —, North  
Western Railway. 1286-87.

**MEDICAL TREATMENT—**

Question *re* arrangements for — of  
Indian clerks in New Delhi.  
1755.

**MEERUT CONSPIRACY CASE—**

Question *re*—

Cost of —. 766-67.

—, 1922-25.

**MELA(S)—**

Question *re*—

Adh-Kumbh —, Hardwar. 1823-24.  
1824-25.

Arrangements for the Adh-Kumbh  
—, 1933, at Hardwar. 1463.

Duties performed by the railway  
staff during — at Garhmuktesar,  
Hardwar and Roorkee. 1462.

— held at places in the Moradabad  
Division, East Indian Railway.  
1824.

**MEMBER(S)—**

Question *re*—

Allowances of — of different Com-  
mittees and Commissions. 599

Appointment of Presidents and —  
of the Tariff Board from pro-  
vinces other than Bombay. 927-  
30.

**MEMORIAL(S)—**

Question *re*—

Action taken on the — of the  
employees of the East Indian  
and Eastern Bengal Railway  
Presses. 1347.

— from certain employees of the  
East Indian and the Eastern  
Bengal Railway presses. 1343.

— from Engineering Supervisors,  
Telegraphs. 1051-52.

— of inkmen of the Government of  
India Press, Calcutta. 1844-45.

— of temporary piece-workers of  
the Government of India Press,  
Calcutta. 1845.

— of the Inspectors of Crews, East  
Indian Railway. 1750.

— submitted by Assistant Way  
Inspectors, North Western Rail-  
way, for modification in their  
condition of service. 1013-14.

**MENU—**

Question *re* — of diet supplied to  
certain prisoners in the Andamans.  
1599.

**MERCHANT SHIPPING (SECOND  
AMENDMENT) BILL—**

See "Indian —" under "Bill(s)".

**MESSAGE(S)—**

— from the Council of State inti-  
mating concurrence in the  
Legislative Assembly Resolution  
recommending committal of the  
Imperial Bank of India (Amend-  
ment) Bill to a Joint Committee  
of both the Houses. 1765.

**MESSAGES—contd.**

— from the Council of State intimating concurrence in the Legislative Assembly Resolution recommending committal of the Reserve Bank of India Bill to a Joint Committee of both the Houses. 1765.

Question *re* Dr. Rabindra Nath Tagore's — to the hunger-striking prisoners in the Aniamans. 1601-02.

**METAL POLISH—**

Question *re* test of red seal brand — and silver polish by the Alipore Test House. 1039-40.

**MIDNAPORE—**

Question *re*—  
Assassination of Mr. Burge, District Magistrate of —. 778-79.  
Treatment meted out to Mr. M. S. Aney in the — Jail. 175-78.

**MILITARY—**

Question *re*—  
Allegations against the — in Calcutta. 172-75.  
Collection of information *re* political outlook of — tenderers. 893.  
Dismissal of public servants in — employ. 1841.  
Purchase of grain for the — and Management of the depots. 740-42.

**MILITARY ACADEMY—**

Resolution *re*—  
Admissions to the —. 1151-63.  
Teaching staff of the Indian —, Dehra Dun. 1375.

**MILITARY ACCOUNTS DEPARTMENT—**

Question *re*—  
Deputation of men from the —. 1837-38.  
Retrenchment of Accountants from the —, Rawalpindi. 30-32, 34.

**MILITARY COLLEGE(S)—**

See "College(s)".

**MILITARY DAIRIES—**

Question *re*—  
Leasing out of — to contractors. 1277-79.  
Protection of the private dairy industry from the unfair competition of —. 1276-77, 1279-80.  
See also "Dairy(ies)".

**MILITARY DAIRY FARMS—**

Question *re* communal composition of the clerical staff in the Military Grass and —. 1014.

**MILITARY EMPLOYEES—**

Question *re* leave and pension of — invalided during the Great War. 770-73.

**MILITARY ENGINEERING SER-VICE(S)—**

Question *re*—  
Officers and clerks in the —, Western Command, Quetta. 686.

Rate of electric energy supplied by — to the Lahore Cantonment Board. 510-11.

Representation of Muslims in the clerical staff of the —, Western Command, Quetta. 686.

Transfer of certain roads from the — to the Lahore Cantonment Board. 511-12.

**MILITARY ESTATES OFFICER(S)—**

Question *re* withdrawal from Cantonment authorities the management of class 'B' land and entrusting the same to the Military Estates Officers. 612-13.  
See also "Estate Officer(s)".

**MILITARY EXPENDITURE—**

Question *re* — in 1930-31. 604.

**MILITARY FINANCE DEPARTMENT—**

Question *re*—  
Extension given to the Establishment Officer of the —. 1837.  
Tenders for furniture supplied to the —. 1836-37.

**MILITARY GRASS FARMS—**

Question *re* communal composition of the clerical staff in the — and Dairy Farms. 1014.

**MILITARY HOSPITALS—**

See "Hospital(s)".

**MILITARY MAN(EN)—**

Question *re*—  
Disability pension to discharged —. 788.  
Pension of certain — increased by re-employment during the Great War. 787-88.

**MILK—**

Question *re* selling price of — and cream at the Wellington Farm. 604-05.

**MILL(S)—**

Question *re* contemplated establishment of — and factories in India by Japan. 104.

**MILLIGAN, MR. J. A.—**  
 Indian Tea Control Bill—  
 Consideration of clause 21. 1626.  
 Oath of Office. 1.

**MINISTERIAL ESTABLISHMENT—**  
 Question *re* recruitment of the — of  
 the Contracts Directorate, Army,  
 Headquarters. 34-36.

**MINISTERIAL SERVICE—**  
 Question *re* refund of fees to certain  
 candidates not permitted to  
 appear at the — Examination of  
 the Public Service Commission.  
 1354-55.

**MINISTERIAL STAFF—**  
 Question *re—*  
 House rent charged from the — of  
 the Civil Departments. 350-51.  
 Recruitment of — of the Govern-  
 ment of India Secretariat and  
 attached offices. 930-34.

**MINORITY COMMUNITY(IES)—**  
 Motion for Adjournment *re* reservation  
 of appointments for —. 37-38.  
 Question *re—*  
 Recruitment of members of — in  
 the Post Offices and Railway Mail  
 Service in the Bombay Presidency.  
 1472-73.  
 Representation of — in the Offices  
 of the Accountant-General, Posts  
 and Telegraphs. 200.  
 Representation of — in the Zoologi-  
 cal Survey of India. 1747-48.

**MINT—**  
 Demand for Excess Grant. 1229.

**MINUTE OF DISSENT—**  
 Question *re* — of Sir Purshotamdas  
 Thakurdas on the report of the  
 London Committee on the Indian  
 Reserve Bank. 1690-92.

**MISCELLANEOUS (RAILWAYS)—**  
 Demand for Excess Grant. 1230.

**MISRA, MR. B. N.—**  
 Election of — to the Salt Industry  
 Committee. 1692.  
 Expressions of regret on the death of  
 —. 1861-65.  
 Question *re—*  
 Allegations against a clerk in the  
 Office of the Controller of Railway  
 Accounts. 178-79.  
 Alleged falsification of accounts by  
 a clerk of the Office of the Direc-  
 tor, Telegraph Engineering Eastern  
 Circle. 1368-69.  
 Complaints about adulteration in  
 country liquor bottles. 40.

**MISRA, MR. B. N.—contd.**  
 Question *re—contd.*  
 Consolidated allowance of Inspectors  
 of Crews on the East Indian Rail-  
 way. 292.  
 Contribution by the Government of  
 India to certain Provincial Gov-  
 ernments for construction of Gov-  
 ernment buildings. 290.  
 Decentralisation of the administration  
 of the Posts and Telegraphs De-  
 partment. 1369-70.  
 Demotion of certain Inspectors of  
 Crews on the East Indian Railway  
 292.  
 Denial of hill allowance to the Rail  
 way staff stationed at Dehra Dun.  
 456.  
 Denial to railway subordinates of  
 Moradabad of the privilege of see-  
 ing officers at Calcutta. 796.  
 Dissatisfaction of Oriyas on account  
 of non-inclusion of certain areas in  
 the proposed Orissa Province. 7-  
 9.  
 Duties of the Head Clerk to a Super-  
 intendent of Post Offices. 1448.  
 Duty on country liquor. 40.  
 Duty system of telegraphists and  
 signal room clerks. 1367.  
 Grievances of the Telegraph staff.  
 1371-72.  
 Hours of duty of Railway Mail Ser-  
 vice sorters. 1446.  
 Indebtedness of gazetted officers in  
 the Telegraph Department. 1368.  
 Inequality in the distribution of  
 higher posts in the Railway Clear-  
 ing Accounts Office. 1109-10.  
 Insolvent employees in certain Gov-  
 ernment Departments. 1368.  
 Inspection of combined Post and  
 Telegraph Offices. 1370-71.  
 International Postal Conference to  
 be held at Cairo. 1447-48.  
 Meal relief in post offices. 1367.  
 Motor drivers of Police Officers in  
 Delhi. 463.  
 Non-grant of leave to the inferior  
 servants of the Telegraph Depart-  
 ment. 1371.  
 Non-recognition of services rendered  
 during the Great War on the East  
 Indian Railway. 690-91.  
 Office-bearers of Postal Unions. 1448-  
 49.  
 Permission to the Telegraph employ-  
 ees to work in the race course.  
 1366.  
 Prosecution of certain officials of the  
 Central Telegraph Office, Calcutta,  
 for divulging the contents of tele-  
 grams regarding races. 1365-66.  
 Punishments given to the subordin-  
 ates of the Moradabad Division,  
 East Indian Railway. 796.

**MISRA, MR. B. N.—*concl'd.*****Question *re—cont'd.***

Realisation of subscription of members of service organisations through the salary bills of the staff. 1372.

Re-organisation of the Railway school at Chandausi, East Indian Railway. 466.

Report of the Varma Committee. 1367.

Retrenchment in the United Provinces Postal Circle. 1372-73.

Rules for recognition of Government servants' organisations. 1370.

Separate museum for Orissa. 7.

State Prisoners in custody. 4-6.

Suspension of certain subordinates of the Moradabad Division, East Indian Railway. 796.

Teaching staff of the Indian Military Academy, Dehra Dun. 1375.

Teaching staff of the Royal Indian Military College, Dehra Dun 1373-75.

Unauthorised appointments in the Postal Department. 1369.

Unions recognised by the principal Railway Administrations. 564.

Resolution *re* admissions to the Military Academy. 1151-52, 1163.

**MISTRIES—**

Question *re* grant of pension to Baudot —. 1852.

**MITCHELL, MR., A.—**

Oath of Office. 2.

**MITRA, MR. S. C.—**

Amendment of Standing Orders—

Motion for leave to amend. 276.

Motion to refer to Select Committee. 296.

Code of Criminal Procedure (Amendment) Bill—

Motions to refer to Select Committee. 410.

Consideration of the Report of the Public Accounts Committee. 1911-13.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 853.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1243-45.

Election of — to the Select Committee on the Amendment of Standing Orders. 783.

Election of — to the Standing Committee for the Department of Commerce. 951.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1711.

Hindu Temple Entry Disabilities Removal Bill. Motion to circulate. 222, 232.

**MITRA, MR. S. C.—*cont'd.***

Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee 1545-46.

Indian Tea Control Bill—

Motion to refer to Select Committee. 1615-18.

Withdrawn. 1625.

Motion for Adjournment *re—*

Aerial bombardment on Kotkai in the Trans-Frontier. 879, 885-86.

Alleged scurrilous article in the *Dunlop Gazette re* Mahatma Gandhi. 1330, 1428-29.

Facilities given to Mahatma Gandhi in jail. 147-50, 157.

Motion *re* future Administration of Aden. 1796, 1812, 1819.

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee 736-2.

Consideration of clause 3. 1564.

Negotiable Instruments (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1713.

Question *re—*

Acquittal of Mr. Nikhil Ranjan Guha Roy by the Calcutta High Court. 1606-07.

Action taken on certain recommendations of the Drugs Enquiry Committee Report. 106.

Acute distress of the staff of the Central Publication Branch on account of the bursting of monsoon. 370.

Advisory and Standing Committees of the various departments of the Government of India. 290.

Allegations against the Calcutta Post Trust. 1832-33, 1833-34.

Alleged mismanagement of the Central Publication Branch. 1474.

Amounts contributed by the Bengal Nagpur Railway for the construction of the buildings of certain Indian schools. 1478.

Anaesthetist in the Ripon Hospital, Simla. 930.

Application for transfer from the Rajahmundry Jail of State Prisoners Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee. 517-18.

Appointment of Lillooah ex-apprentices as Ward-Keepers, etc., on the East Indian Railway. 380.

Appointment of Presidents and Members of the Tariff Board from provinces other than Bombay. 927-30.

**MITRA, MR. S. C.—*contd.***

**Question re—*contd.***

- Army Headquarters special train between Summer Hill and Simla. 347-48, 349, 352.
- Ban on Government servants from joining the Indian Medical Association as Members. 280.
- Bengali State Prisoners confined in the Rajahmundry Jail. 1605-06.
- Cellular Jail in the Andamans. 336.
- Censorship of the correspondence of political prisoners. 283-84.
- Central Book Depot, Calcutta. 1475.
- Changes in the treatment of prisoners in the Andamans. 1602.
- Civil Surgeon in charge of Ripon Hospital in Simla. 355.
- Clerical duties done by the record suppliers in the Central Publication Branch. 1477.
- Communal composition of the holders of selection grade posts under the Postmaster, Allahabad. 1822.
- Communal representation of the inferior servants in the Allahabad General Post Office. 1823.
- Condemnation of certain quarters in Timarpur, Delhi. 370-71.
- Condition of State Prisoners Messrs. Surendra Mohan Ghosh and Jivan Lal Chatterjee. 517.
- Condition of the health of certain political prisoners in the Cellular Jails, Andamans. 361-62.
- Condition of the health of Mukul Ranjan Sen and Biren Roy, political prisoners in the Andamans. 360-61.
- Confirmations in the grade of Assistant Station Masters on the North Western Railway. 1481.
- Construction of new quarters for Members of the Legislatures in New Delhi. 345-46.
- Construction of quarters for teachers of Bengal Nagpur Railway Schools. 1479.
- Construction\* of quarters in New Delhi. 344-45, 346-47, 912-13.
- Continuance of the East Indian Railway Band at Jamalpur. 19.
- Conversion of the Noakhali Post Office into a Sub-Post Office. 1832.
- Death of prisoners from hunger-strike in the Andamans. 279.
- Deaths from pneumonia in jails in the Andamans. 286-87.
- Detenus detained in the Deoli Detention Camp. 1607-08.
- Devices adopted by certain persons to evade the Child Marriage Restriction Act. 252.
- Difficulties of the staff of the Central Publication Branch due to its transfer to Delhi. 368-69.

**MITRA, MR. S. C.—*contd.***

**Question re—*contd.***

- Dim-lit streets of New Delhi. 1290.
- Discharge of temporary staff of Central Publication Branch. 366-67.
- Discrimination in the distribution of quarters on the North Western Railway. 1481-82.
- Disposal of certain publications as waste paper on the eve of the transfer of the Central Publication Branch to Delhi. 430-33.
- Disposal of dead bodies of certain prisoners in the Andamans. 1602.
- Dr. Rabindra Nath Tagore's message to the hunger-striking prisoners in the Andamans. 1601-02.
- Economy and retrenchment in the Calcutta Port Trust. 1833, 1834-35.
- Employment of Indians in the office of the High Commissioner for India. 1016.
- Employment officer at the Jamalpur Workshops. 19.
- Expenditure incurred on the transmission of publications from the Government of India Press, Calcutta, to the Central Publication Branch, Delhi. 433.
- Fees charged for operations performed in the Ripon Hospital, Simla, on the dependants of Government servants. 353-54.
- Firms manufacturing playing cards in India. 907-09.
- Forced feeding of Mahabir Singh, a late political prisoner in the Cellular Jail, Andamans. 285-86.
- Formation of an Indian Force wing of the Royal Air Force. 1482-83.
- Free medical attendance by the Civil Surgeons, Simla, to Indian Government servants. 354-55.
- Free railway passes allowed to Army Headquarters clerks living in private houses in Summer Hill. 351.
- Grant of benefit of enjoying the old scales of pay to the retrenched staff of the Government of India Secretariat on re-employment. 758.
- Grievances of the State prisoners confined in the Damoh Sub-Jail. 280-83.
- Holding up of confirmations of subordinates in the Government of India Secretariat and Attached Offices. 758-59.
- House rent charged from the Ministerial Staff of the Civil Departments. 350-51.
- Housing problem of the Indian employees of the East Indian Railway at Jamalpur. 16-18.
- Hunger-strike by certain political prisoners in the Andamans. 335-36, 364, 1597, 1603.

**MITRA, MR. S. C.—*contd.*****Question re—*contd.***

Hunger-strike by detenus in the Deoli Detention Camp. 373.

Illness of certain State Prisoners detained in the Rajahmundry Central Jail. 516.

Illness of Messrs. Benoyendra Nath Roy Chowdhury and Jivan Lall Chatterjee. 518.

Illness of prisoners in the Andamans. 1603.

Illness of Saroj Ranjan Acharya, a detenu in the Deoli Detention Camp. 372-73.

Illness of State Prisoners, Manoranjan Gupta and Bhupendra Kumar Dutt. 1604.

Improvement in the design of a bone-crusher. 950.

Indian Posts and Telegraphs Employees' Mutual Relief Fund, Lahore. 1283.

Insanitary conditions near Samru Place and Lumsden Square, New Delhi. 1290.

Insolvency of Mr. James Rowland Hopper, an employee of the Central Publication Branch. 1475-76.

Interview with political prisoners in the Andamans by their relatives. 363-64.

Interviews granted with political prisoners in the Andamans. 1597-98.

Intimation of the deaths of prisoners in the Andamans to their relatives. 1604.

Maintenance of the family of Hyder Ali and Tipu Sultan. 2-4.

Mis-treatment of Mr. Keshva Chandra Gupta, a political prisoner. 921.

Medical aid to non-gazetted Government servants. 353.

Menu of diet supplied to certain prisoners in the Andamans. 1599.

Military Hospitals in India. 791-95.

Mitigation of the hardships of the staff of the Central Publication Branch. 371-72.

Muslim gazetted officers in the United Provinces Postal Circle. 1821.

Muslims of Bengal, Punjab and other provinces in the Government of India Secretariat and attached offices. 919-20.

Newspapers supplied to political prisoners in the Andamans. 1597.

Nomination of the Indian Army soldiers to the Indian Military Academy, Dehra Dun. 909-12.

Non-admission of Indians in the Walker and Portmore Hospitals in Simla. 356.

**MITRA, MR. S. C.—*contd.*****Question re—*contd.***

Non-appointment of Muslims as extra-departmental Postmasters at Allahabad. 1822-23.

Non-grant of advance increments to the staff of the Central Publication Branch on their transfer to Delhi. 367-68.

Non-grant of an allowance to the family of State Prisoner Mr. Arun Chandra Guha. 1605.

Non-grant of an allowance to the family of State Prisoner, Mr. Manoranjan Gupta. 1604-05.

Non-sale of monthly tickets at station booking offices on the Kalka Simla Railway. 914.

Non-supply of certain books to State Prisoners confined in the Damoh Sub-Jail. 284.

Number of certain Indian Officers on the North Western Railway. 1480-81.

Officers of the Indian Medical Service employed on specialist duties 788-91.

Opinions about the unification of standards of the medical licentiates. 279-80.

Passes for dependents of employees of the North Western Railway. 1482.

Passes for free conveyance of Army Headquarters clerks between Summer Hill and Simla. 914-16.

Payment of refunds to Income-tax assesses. 278-79.

Permission to a detenu in the Deoli Detention Camp to perform the Sradh ceremony of his father. 1608.

Permission to prisoners in the Andamans to have money in Jailor's custody for personal expenditure. 1598-99.

Petition for the transfer of Mr. Mahendra Nath Roy from the Deoli Detention Camp to Calcutta. 921.

Policy of Government towards Company-managed Railway Schools. 1477-78.

Position of teachers in Company-managed Railway Schools. 1478-79.

Position of temporary clerks in the Central Publication Branch. 1476-77.

Present condition of the health of State Prisoner Mr. Surendra Mohan Ghosh. 516-17.

Present state of health of Benoyendra Nath Roy Chaudhury, a State Prisoner in the Rajahmundry Jail. 920.

**MITRA, MR. S. C.—contd.**

**Question re—contd.**

- Promotion of two non-Muslims as town Inspectors in the General Post Office, Allahabad. 1822.
- Proposed removal of an ancient shrine at Azimganj by the East Indian Railway authorities. 366.
- Proposed transfer of one Sudhansu Ranjan Sen, a political prisoner, to the Andamans. 1831-32.
- Provision of a club for Indian clerks living in Summer Hill quarters. 348-49.
- Provision of facilities for free conveyance to the civilian clerks living in Summer Hill quarters. 349-50.
- Public Service Commissioner examination for recruitment of clerks for the Government of India. 1834.
- Racial discrimination in the carriage of dogs by railway trains between Summer Hill and Simla. 913-14.
- Racial discrimination in the fixation of hospital charges in the Hindu Rao Hospital, Delhi. 355-56.
- Raising the status of the Dhooria Post Office in the Rawalpindi Division. 1689-90.
- Ratio of Bengal and Punjab Muslims to the Muslim population of India. 919.
- Reckoning of seniority on the North Western Railway. 1481.
- Recruitment of Bengal Muslims in services under the Government of India. 1825-26.
- Recruitment of ministerial staff of the Government of India Secretariat and attached offices. 930-34.
- Recruitments made in the Central Publication Branch. 1476.
- Refusal to allow Army Headquarters Indian Clerks living in private houses to travel by the special train running between Summer Hill and Simla. 918.
- Repayment of 4 per cent. Conversion Loan. 253.
- Repayment of War Debts by England out of the silver reserves transhipped from India. 277-78.
- Reply of telegrams enquiring about the health of political prisoners in the Cellular Jail, Andamans. 362-63.
- Representations made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the Andamans. 1600-01.
- Restrictions in Burma and Bengal for German automatic repeatent alarm pistols. 685.

**MITRA, MR. S. C.—contd.**

**Question re—contd.**

- Retention of the post of the Educational Commissioner in the future constitution of India. 252-53.
- Retrenchment in the Telegraph Traffic and Telegraph Engineering Branches of the Telegraph Department. 953.
- Retrenchment of Indians employed in the office of the High Commissioner for India. 1015-16.
- Rules of hospitals under the administration of the Government of India. 356.
- Running of a special train for civilian clerks between Summer Hill and Simla. 351-52.
- Salaries drawn by the non-gazetted staff of the Central Publication Branch.—369-70.
- Sanction of additional staff for the Central Publication Branch to cope with the work connected with the transfer of the Patent Office specifications. 434.
- Scheme of reorganisation of the Central Publication Branch. 1476.
- Search by police of the room and belongings of State Prisoners confined in the Damoh Sub-Jail. 284-85.
- Selection of personnel for enrolment in the combatant ranks of the Indian Air Force. 1483-85.
- Sending or receiving of communications by prisoners joining hunger-strike in the Cellular Jail, Andamans. 1598.
- Suicide committed by a postal official of the Rajshahi division. 955.
- Supply of rule books to the East Indian Railway employees. 19.
- Transfer of State Prisoner Mr. Rasik Lal Das, to some other jail. 1606.
- Transfer of the Supaul and Madhipura Sub-Divisions in the Bhagalpur District to Purnea District for Income-tax purposes. 278.
- Travelling of children of European clerks by the special train running between Summer Hill and Simla. 918-19.
- Travelling of unauthorised persons by the special train running between Summer Hill and Simla. 916-18.
- Use of office lorry by the Manager, Central Publication Branch. 1475.
- Question (Supplementary) re—  
Air bombardment on the Tribal area of the North-West Frontier. 679, 681, 682.



MITRA, MR. S. C.—*contd.*Question (Supplementary) *re—contd.*

- Allegations against certain sergeants during the Congress Session in Calcutta. 184-85.
- Allegations of assault made on the Congressmen after their arrest in Calcutta. 24.
- Alleged unfair treatment of the Railway Officers towards Muslim employees. 1098.
- Appointment of an Indian as Director General, Indian Medical Service, or as Public Health Commissioner in India. 925
- Arrest of Mr. Devidas Gandhi at Delhi. 762.
- Communal composition of the gazetted staff under the direct control of the Director General of Posts and Telegraphs. 638.
- Death of certain political prisoners in the Andamans. 103.
- Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed Orissa Province. 8.
- Extermination of Maulana Sultan Ahmad from Delhi. 406, 497.
- Fixation of the date and time for different Standing Committees. 1261.
- Loans advanced to the Bahawalpur State out of Indian revenues. 939.
- Mr. Gandhi's fast. 27, 28.
- Non-appointment of a Muslim on committees formed in connection with the separation of the Orissa Province. 341.
- Permission to Mr. Sailendra Nath Ghose, an Exile, to return to India. 1384-85.
- Prohibition of the entry into India of publications by Rash Behari Bose. 359.
- Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.
- Railway accident near Mokameh on the East Indian Railway. 96, 97.
- Refusal of passport to Mr. B. J. Deorukhkar, Nationalist leader of the Depressed Classes, to proceed to London. 270.
- Representatives of India at the World Economic Conference in London. 255.
- Revenue earned at the docks by the Calcutta Port Trust. 627.
- Sum to be taken from India as a result of the Ottawa Agreement. 182-83.

MITRA, MR. S. C.—*concl.*Question (Supplementary) *re—contd.*

- Transfer of Aden to His Majesty's Government. 171-72.
- Transfer of control of the Badrinath Temple to the Ruler of the Tehri Estate. 1033.
- Transportation of political prisoners to the Andamans. 111, 112.
- Reserve Bank of India Bill—
- Motions to refer to Joint Committee and to circulate. 1314.
- Resolution *re—*
- Amendment of Rule relating to the constitution of the Committee on Public Accounts. 1896.
- Repayment of half currency notes. 591-92.

## MODY, MR. H. P.—

- Cotton Textile Industry Protection (Second Amendment) Bill—
- Motion to consider. 1055-59, 1063, 1064, 1071.
- Indian "Khaddar" (Name Protection) Bill—
- Motion to refer to Select Committee. 973-77, 983.
- Indian States (Protection) Bill—
- Motions to refer to Select Committee and to circulate. 1080, 1081, 1084-85, 1089.
- Point of order raised by — as to whether clause 3 is in order as it seeks to interpolate into section 121A of the Indian Penal Code an addition to the armoury of the law which makes it possible for a British Court to deal with offences committed against the Administration of an Indian State in the State itself. 1084.
- Nomination of — to the Panel of Chairmen. 462.
- Question (Supplementary) *re—*
- Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1275.
- Appointment of Presidents and Members of the Tariff Board from provinces other than Bombay. 929.
- Loans advanced to the Bahawalpur State out of Indian revenues. 936-37.
- Reserve Bank of India Bill—
- Motion to refer to Joint Committee. 1398, 1402, 1403-09, 1413.
- MODY WARD SCHEME—**
- Question *re* non-adoption of the — of ticket checking on the North Western Railway. 734.

**MOKAMEH—**

Question *re* railway accident near —  
on the East Indian Railway.  
96-97.

**MONO OPERATORS—**

See "Operator(s)".

**MONSOON—**

Question *re* acute distress of the staff  
of the Central Publication Branch  
on account of the bursting of —.  
370.

**MOORE'S "FAMILY MEDICINE"—**

Question *re* revised edition of the —.  
1678.

**MOPLAH(S)—**

Question *re*—

- convicted of offences connected  
with the Malabar Rebellion in  
jails and in the Andamans. 634.
- detained under Regulation III  
and the Moplah Outrages Act.  
634-35.

— wanted by police under Regula-  
tion III and the Moplah Outrages  
Act. 634.

Nomination of a — Member of the  
Central Legislature to the Com-  
mittee to be formed for arranging  
the constituencies of the Federal  
Assembly. 635.

**MOPLAH OUTRAGES ACT—**

See "Act(s)".

**MORADABAD—**

Question *re*—

Circulation of a proposal for pur-  
chase of Derby Sweep tickets by  
the Divisional Superintendent, —  
Division, East Indian Railway.  
1460-61.

Denial to railway subordinates of  
— of the privilege of seeing  
officers at Calcutta. 796.

*Melas* held at places in the —  
Division, East Indian Railway.  
1824.

Promotion of Indian Assistant  
Station Masters as Guards in the  
— and Lucknow Divisions, East  
Indian Railway. 293.

Punishments given to the sub-  
ordinates of the — Division, East  
Indian Railway. 796.

Recruitment of guards in the —  
Division, East Indian Railway.  
1850-51.

Seniority list of staff in the —  
Division, East Indian Railway.  
1849-50.

**MORADABAD—contd.**

Question *re*—contd.

Suspension of certain subordinates  
of the — Division, East Indian  
Railway. 796.

Use of an officer's carriage for joy  
rides under orders of the Divi-  
sional Superintendent, — Divi-  
sion, East Indian Railway. 1462.

**MORGAN, MR. G.—**

Ajmer-Merwara Juveniles Smoking  
Bill—

Motion to consider and to pass. 991.  
Election of — to the Standing Com-  
mittee for the Department of  
Industries and Labour. 951.

Expressions of regret on the deaths  
of Sir Zulfikar Ali Khan, and  
Khan Bahadur Sarfaraz Hussain  
Khan. 51, 54.

Factories Bill—

Motion to refer to Select Committee.  
1634-35.

Indian Railways (Amendment) Bill—  
(Amendment of section 51)—

Consideration of clause 2. 699-700.

Murshidabad Estate Administration  
Bill—

Consideration of—

- Clause 3. 1563.
- Clause 7. 1571, 1572.
- Clause 20. 1576.
- Clause 22. 1578.

Resolution *re* draft Convention and  
Recommendation concerning the  
age for admission of children to  
non-industrial employment. 1892-  
93.

Workmen's Compensation (Amend-  
ment) Bill—

Consideration of clauses. 69, 70,  
71, 73, 76-77, 117, 119, 119, 122,  
127, 132-133, 139-40, 141.

**MORTGAGE BANK —**

Question *re* declaration of debentures  
of the Central Land — of Madras  
as trustee securities. 618.

**MOTION(S)—**

— *re*—

Dues in respect of lighthouses and  
buoy in British India. 1865

Future administration of Aden.  
1772-1820.

**MOTION FOR ADJOURNMENT—**

Suggestion by the Chair that if  
Honourable Members are not in  
full possession of facts with  
regard to a particular case, and  
if no short notice is taken of  
their questions, what they  
should do is actually to ask for  
the leave of the House to move

**MOTION FOR ADJOURNMENT—**  
*contd.*

the — and then ask the leave of the Chair for permission to waive objection on the question of urgency until the full facts are available to Honourable Members, and if the Chair is satisfied that it is a proper case, necessary permission could be given to move the motion on a later day. 565.

See also "Adjournment(s)".

**MOTOR(S)—**

Question *re* import of — into India and the duty thus realised. 442.

**MOTOR CARS—**

Question *re* import of — designed to run without petrol from Japan. 1365.

**MOTOR DRIVER(S)—**

Question *re* — of Police Officers in Delhi. 463.

**MOTOR OMNIBUS SERVICE—**

Question *re* — and Electric omnibus service in Delhi. 1854.

**MOUNT EVEREST—**

See "Everest".

**MRAZ, MR. GEORGE—**

Question *re* arrest and deportation of — who was running a German Therapeutic Institute in Delhi. 625.

**MUAZZAM SAHIB BAHADUR, MR. MUHAMMAD—**

Demand for Supplementary Grant in respect of—  
Civil Aviation. 1905-06.  
"New Capital Works at Delhi". 1241.

**Hedjaz Pilgrims (*Muallims*) Bill—**

Motion to recommit to Select Committee. 1701-02.

**Indian Railways (Amendment) Bill—**  
(Amendment of section 51)—

Consideration of clause 2. 701-02.

Motion *re* future Administration of Aden. 1792, 1813-19.

**Murshidabad Estate Administration Bill—**

Consideration of—

Clause 3. 1562-63

Clause 4. 1566.

Clause 10. 1572, 1573.

Clause 11. 1574.

Clause 20. 1576.

Motion to pass. 1584-85.

**MUAZZAM SAHIB BAHADUR, MR. MUHAMMAD—**  
*contd.***Question *re*—**

Amalgamation and separation of the cadres of Inspectors of Railway Mail Service and Inspectors of Post Offices. 955

Casualties due to rash driving in New Delhi and Delhi City. 39.

Inadequacy of the space for the staff in the Madras General Post Office. 1171-73.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1591-95.

Removal of the sorting office to the Madras General Post Office building. 198-99.

Structure of the Madras General Post Office Building 1173.

Want of proper lavatory arrangement in the Madras General Post Office Building. 1174.

Question (Supplementary) *re* manufacture of playing cards in India. 546.

Resolution *re* repayment of half currency notes. 579-83, 597.

**MUGHALPURA—****Question *re*—**

Construction of a bridge on a canal between — and Lahoro on the North Western Railway. 1008-10.

Qualifications of chargemen in the carriage and wagon shops, North Western Railway. —. 946.

Selection of Journeymen for the North Western Railway workshops —. 734-35.

Suspension and discharge of certain chargemen in the carriage and wagon shops. —, North Western Railway. 946-47.

**MUGHALSARAI—**

Question *re* trains running on the Grand Chord and main line of the East Indian Railway between Howrah and —. 609-10.

**MUJUMDAR, SARDAR G. N.—**

Motion *re* future Administration of Aden. 1808-11.

Question *re* establishment of the proposed Reserve Bank in India. 737.

**MULTAN—****Question *re*—**

Communal composition of gazetted staff on the — Division of the North Western Railway. 1106-07.

Removal of Mr. Devidas Gandhi to — jail in a third class compartment. 1659.

**MULTIPLE UNITS SECTION—**

Question *re* post of Superintending Foreman for the — of the Traction Department of the Great Indian Peninsula Railway. 690.

**MUNICIPAL ADMINISTRATION—**

Question *re* — of Ajmer City. 1829.

**MUNICIPAL COMMITTEE—**

Question *re*—

Absence of elected Members in the New Delhi —. 1107.

Alleged grievances against the — Ajmer. 377-78.

Appointment of an Executive Officer in the —, Ajmer. 378.

Educational qualifications of non-official nominated members of the New Delhi —. 1107-08.

Nomination of members of the New Delhi —. 1262-63.

Non-payment of the salaries of some sweepers of the —, Ajmer. 378.

Purchase of petrol by the New Delhi —. 1109, 1167.

**MUNICIPALITY(IES)—**

Question *re* proposal for the amalgamation of the — of Old and New Delhi. 1854.

**MUNSHI, MR. JEHANGIR K.—**

Motion *re* future Administration of Aden. 1790-93.

**MURDER—**

Question *re* — of one Sardar Sher Singh in California, United States of America. 360, 456-57.

**MURSHIDABAD ESTATE ADMINISTRATION BILL—**

See "Bill(s)".

**MURTUZA SAHEB BAHADUR, MAULVI SAYYID—**

Motion for Adjournment *re* aerial bombardment on Kotkai in the Trans-Frontier. 886-87.

Question *re*—

Allegations against the police in Calcutta and Bombay. 1739-42.

Examination for the recruitment of lower division clerks held at the Benares City Post Office. 956.

Inadequate representation of Muslims on the Cantonment Board, Poona. 1830.

Post of the Personal Assistant to the Accountant-General, Posts and Telegraphs. 201.

Release of workers of the Jamiat-ul-Ulema-i-Hind, Delhi. 1659.

Removal of Mr. Devidas Gandhi to Multan jail in a third class compartment. 1659.

**MURTUZA SAHEB BAHADUR, MAULVI SAYYID—contd.**

Question *re*—contd.

Rent of Government quarters paid by the staff of the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi. 1053-54.

**MUSEUM—**

Question *re* separate — for Orissa. 7.

**MUSLIM(S)—**

Question *re*—

Absence of — Officers in the Calcutta Port Trust. 546-47, 1766.

Alleged injustice to — in the Railway Mail Service, Allahabad. 1100-01.

Alleged unfair treatment of the Railway Officers towards Muslim employees. 1096-98.

Appointment of — in the Commercial Statistics Branch of the Commerce Department. 1095-96.

Appointment of — in the Sind and Baluchistan Circle. 40.

Contract for — sweets-stall at Amritsar. 1099.

Discouragement of the formation of — Trade Unions. 607.

Employment of — doctors and hospital assistants on pilgrim ship. 621.

Facilities given to — employees of the State Railways to perform Idul-Zuha and Idul-Fitr prayers. 544.

Fixation of percentage for appointments in Government service for — and other communities. 87-90.

Grievances of — against the Medical Department of the North Western Railway. 1283-84.

Grievances of the — employees of the Dehra Dun Postal Division. 36-37.

Grievances of the — staff of the Quetta Head Post Office. 199.

Ignoring the claims of — in the Archaeological Department. 1857. 58.

Inadequate appointments of — as temporary assistant Income-tax Officers in the United Provinces. 90-91.

Inadequate representation of — on the Cantonment Board, Poona. 1830.

Increase in the number of — Judges in the Calcutta High Court. 907.

— and Company-managed Railway. 1100.

— appointed in the Mussoorie Head and Sub-Post Offices in the inferior cadre. 1445.

**MUSLIM(S)—contd.****Question re—contd.**

- draftsmen retrenched from the Office of the Chief Engineer, Survey, and Construction, North Western Railway. 380.
- gazetted officers in the United Provinces Postal Circle. 1821.
- of Bengal, Punjab and other provinces in the Government of India Secretariat and attached offices. 219-20.
- Sub-Assistant Surgeons and Assistant Surgeons on the East Indian Railway. 1288.
- Superintendents in the Government of India Secretariat and attached offices. 685.
- Non-appointment of a — on committees formed in connection with the separation of the Orissa Province. 341-42.
- Non-appointment of — as extra-departmental Postmasters at Allahabad. 1822-23.
- Non-recruitment of — clerks in the office of the Divisional Engineer, Telegraphs, New Delhi. 955-56.
- Paucity of — in the Medical Department of the North Western Railway. 515.
- Platform raised by — employees in the compound of the Lahore General Post Office. 954.
- Preponderance of — in the Peshawar Postal Division. 1683-85.
- Promotion of two non- — as town Inspectors in the General Post Office, Allahabad. 1822.
- Ratio of Bengal and Punjab — to the — population of India. 919.
- Recognition of — Trade Unions. 607-08.
- Recruitment of Bengal — in services under the Government of India. 1825-26.
- Recruitment of — employees in the Government Forms Press, Aligarh. 1289.
- Recruitment of — in the Calcutta Port Trust. 548-49, 1766-67.
- Replacement of a few — by Hindus in the inferior establishment of the Jhelum Head Post Office. 1688.
- Representation of — in the clerical staff of the Military Engineering Service, Western Command, Quetta. 686.
- Representation of — in the Establishment Branch of the Office of the Chief Medical Officer, North Western Railway. 1285-86.

**MUSLIM(S)—contd.****Question re—contd.**

- Representation of — in the services under the control of the Government of India. 439.
- Seats for — in the Bihar and Orissa Legislative Council. 454.
- Victimisation of — in the Office of the Chief Medical Officer, North Western Railway. 1286-87.
- Voluntary retirement of — employees of the Calcutta Port Trust. 549, 1767.
- MUSLIM LEAGUE—**
  - Question re representative of the All-India — for giving evidence before the Joint Parliamentary Committee. 343-44.
- MUSSOORIE—**
  - Question re Muslims appointed in the — Head and Sub-Post Offices in the inferior cadre. 1445.
- MUTUAL RELIEF FUND—**
  - Question re Indian Posts and Telegraphs Employees' —, Lahore. 1283.
- MUZAFFARGARH—**
  - Question re transfer of certain State Prisoners from — Jail to some other jail. 515-16

**N****NARBADA—**

- Question re construction of the new — Bridge on the Bombay, Baroda and Central India Railway. 272, 379-80.

**NASIK—**

- Question re—
  - Allotment of residential quarters in the Currency Note Press, —. 786.
  - Application of the Factory Rules to the Currency Note Press, —. 786-87.
  - Appointment of Adya Gaud Brahmins in the Currency Note Press, —. 785.
  - Assistant Supervisors of different communities appointed in the Currency Note Press, —. 785.
  - Conviction and sentence of the perpetrators of thefts in the Currency Note Press, —. 784.
  - Departmental action taken against the supervisors retained or retrenched in the Currency Note Press, —. 785.
  - European style quarters for Indians in the Currency Note Press, —. 785-86.
  - Forged ten-rupee notes in the Currency Note Press, —. 784.

**NASIK—contd.**

**Question re—contd.**

- Results of the audit of the accounts of architects of — buildings. 786.
- Shortage of five-rupee note sheets in the Currency Note Press, —. 784.
- Special qualifications required for the posts of the Master and Deputy Master of — Presses. 785.
- Star water-marked currency notes printed in the Currency Note Press, —. 784.
- Technical apprentices employed in the presses at —. 786.
- Verification of spoiled or rejected currency notes in the Currency Note Press, —. 784.

**NATAL—**

- Question re sending back of repatriated Indians from — and other parts of South Africa to their homes. 735-36.

**NATIVE RESERVES—**

- Question re leases in Kenya —. 1004.

**NAWAB NAZIMS—**

- \*Question re properties of the — of Bengal and Bihar and Orissa. 48-49.

**NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL—**

- See "Bill(s)".

**NEOGY, MR. K. C.—**

- Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 779.

**Indian Railways (Amendment) Bill—**

- Motions to consider, to re-circulate and to recommit to Select Committee. 302, 304, 469-75, 486.

**Indian States (Protection) Bill—**

- Motions to refer to Select Committee and to circulate. 1201-06, 1207-09, 1216, 1217.

- Motion for Adjournment re alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1431, 1438-39, 1440, 1441.

**Murshidabad Estate Administration Bill—**

- Motions to consider and to refer to Select Committee. 725-26.

- Nomination of — to the Panel of Chairmen. 462.

- Point of order raised by — as to what kind of amendments (restricted or of a general character) can be moved to the motion of a mover of a Bill for eliciting public opinion by circulation. 209-10.

**NEOGY, MR. K. C.—contd.**

**Question re—**

- Admission of Indian Officers and Cadets in the Prince of Wales Seamen's Institute. 1670-71.
- Coal raised in India. 1042-43, 1693.
- Collieries working in Bengal and Bihar coal-fields. 1042.
- Contribution towards the building fund of the Prince of Wales Seamen's Institute. 1670.
- Export of Bengal and Bihar coal. 1043.
- Grievances of the Indian shipping companies. 1267.
- Lower scale of railway freight on coal from Pench and Chanda Valley Collieries. 1044.
- Non-admission of Indians to the Prince of Wales Seamen's Institute, Bombay. 1267.
- Participation of Indian shipping in the coastal and overseas trade of India. 1265-67.
- Proceedings of the Sub-Committee of the World Economic Conference dealing with shipping subsidies. 1251.
- Protection to the Indian shipping companies. 1264-65.
- Reservation of the Imperial coasting trade to British ships. 1263-64.
- Restriction of raisings of collieries owned by Railways. 1043.
- Training of Marine Engineers in India. 1267-68.
- Withdrawal of surcharge on coal. 1043-44.

**Question (Supplementary) re—**

- Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 461, 462.
- Allegations of assault made on the Congressmen after their arrest in Calcutta. 24, 25, 26.
- Alleged assault on the people at the Esplanade tram-shed in Calcutta. 115.
- Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1272, 1274.
- Arrest of Mr. Devidas Gandhi at Delhi. 763.
- Construction of the new Narbada Bridge on the Bombay, Baroda and Central India Railway. 272.
- Death of certain political prisoners in the Andamans. 103.
- Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 338.

**NEOGY, MR. K. C.—contd.****Question (Supplementary)—contd.**

Grievances of the State Prisoners confined in the Damoh Sub-Jail. 281, 282.

Indians in the Indian Civil Service appointed as Executive Councilors in the provinces. 1674.

Insulting treatment meted out to deck passengers at the time of their vaccination at Rangoon. 186-90.

Minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank. 1691.

Mr. Gandhi's fast. 27.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to London. 269.

State Prisoners in custody. 5, 6.

Treatment meted out to Mr. M. S. Aney in the Midnapur Jail. 175-78.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1520.

**NEW CAPITAL WORKS AT DELHI—**

Demand for Supplementary Grant. 1231-50.

**NEW DELHI—****Question re—**

Absence of elected Members in the — Municipal Committee. 1107.

Alleged embezzlements by the building supervisor of the Vice-regal Lodge, —. 505.

Allotment of quarters in —. 1037-39.

Appointment of doctors and opening of a dispensary in —. 1678-79.

Area of land in — reserved for allotment to Diwans and Raises. 1125.

Arrangements for medical treatment of Indian clerks in —. 1755.

Casualties due to rash driving in — and Delhi City. 39.

Certain alterations in the "D" type orthodox quarters in —. 1754-55, 1840-41.

Construction of new quarters for Members of the Legislatures in —. 345-46.

**NEW DELHI—contd.****Question re—contd.**

Construction of quarters in —. 344-45, 346-47, 912-13, 1756.

Damage due to excessive rainfall to certain articles in the Council House Building in —. 514-15.

Defects in certain quarters of Lake and Clive Square in —. 1281-82.

Dim-lit streets of —. 1290.

Educational qualifications of non-official nominated members of the — Municipal Committee. 1107-08.

Electric light in "D" type quarters in —. 1755-56.

Establishment of a development directorate for Old and —. 1854.

Extension of the privileges of the local self-government to — public. 1108.

House rent allowance granted to the Government of India staff in —. 1757.

Insanitary conditions near Samru Place and Lumsden Square, —. 1290.

Location of certain attached offices in —. 1681.

Location of some attached offices in —. 894-95.

Nomination of members of the — Municipal Committee. 1262-63.

Non-recruitment of Muslim clerks in the office of Divisional Engineer, Telegraphs, —. 955-56.

Occupation of quarters in — by the staff of the Government of India after they become out of class. 1681.

Population of —. 49.

Proposal for the amalgamation of the municipalities of Old Delhi and —. 1854.

Proposed demolition of a portion of the wall which separates Old Delhi from —. 543-44.

Purchase of petrol by the — Municipal Committee. 1109, 1767.

Safety of the inmates of the "D" and "C" type quarters in —. 905.

School buildings on the Ridge at —. 1261-62.

Shifting of the Imperial Library to —. 508-09.

Shops on Baird Road, —. 1108-09, 1757.

Trade carried on in —. 291.

**NEW ZEALAND—**

Question *re*—

- Denial of equity and fairplay to Indians in —. 532-34.
- Number and percentage of Indians in —. 532.

**NEWSPAPER(S)—**

Question *re*—

- supplied to political prisoners in the Andamans. 1597.
- Objectionable advertisements in —. 630.

**NIGHT DUTY—**

Question *re* — of Assistant Station Masters on certain branch lines of the East Indian Railway. 633.

**NOAKHALI—**

Question *re* conversion of the — Post Office into a Sub-Post Office 1832.

**NOMINATION(S)—**

Question *re*—

- of a Moplah Member of the Central Legislature to the Committee to be formed for arranging the constituencies of the Federal Assembly. 635.
- of members of the New Delhi Municipal Committee. 1262-63.
- of the Indian Army soldiers to the Indian Military Academy, Dehra Dun. 909-12.
- of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

**NON-GAZETTED GOVERNMENT SERVANTS—**

See "Government Servant(s)".

**NORTH-WEST FRONTIER—**

Question *re*—

- Aerial bombardment at Kotkai on the —. 753-54.
- Air bombardment on the tribal area of the —. 679-84.
- Air bombing on the — of India. 1034.
- Bombardment of certain villages of independent tribes on the — by British aeroplanes. 738.
- Bombing of tribal area on the —. 769.
- Communal composition of the gazetted staff in the Punjab and — Postal Circle. 652-54.
- Communal composition of the non-gazetted staff in the Punjab and — Postal Circle. 673-74.
- Declaration of Hindu Community as Minority Community for recruitment in the Punjab and — Postal Circle. 1666.

**NORTH-WEST FRONTIER—*contd.***

Question *re—contd.*

- Forward policy of Government on the — Border. 1387.
- Posting of Hindu Superintendents in the Punjab and — Postal Circle. 1683.
- Retrenchment of Hindus in the Punjab and — Postal Circle. 1380.
- Transfer from and to non-family and unhealthy stations in the trans-frontier in the Punjab and — Postal Circle. 1664.
- Transfer of Inspectors and Postmasters in the Punjab and — Postal Circle. 1662-63.
- Troubles at the — of India. 629.

**NORTH-WEST FRONTIER PROVINCE—**

Question *re*—

- Recruitment of Sikhs in the Income-tax Department, Punjab and —. 507-08.
- Recruitment of Sikhs in the office of the Income-tax Commissioner, Punjab and —. 507.

**NORTH WESTERN RAILWAY—**

See "Railway(s)".

**NOTE(S)—**

Question *re*—

- Forged ten-rupee — in the Currency — Press, Nasik. 784.
- Introduction of a new pattern of five-rupee —. 610-11.
- New ten-rupee and five-rupee currency —. 1034-35.
- Shortage of five-rupee — sheets in the Currency Note Press, Nasik. 784.
- Star water-marked currency — printed in the Currency Note Press, Nasik. 784.
- Three decipherable currency — of the Lahore Circle. 1010.
- Verification of spoiled or rejected currency — in the Currency Note Press, Nasik. 784.
- Resolution *re* repayment of half currency notes. 579-97.

**NOTICE OF DEMAND—**

Question *re* translation of the form of — of Income-tax in Sindhi. 259.

**NOYCE, THE HONOURABLE SIR FRANK—**

- Demand for Supplementary Grant in respect of—
- Civil Aviation. 1898-1902, 1904.
- New Capital Works at Delhi. 1232, 1233, 1244, 1247, 1248.



**NOYCE, THE HONOURABLE SIR FRANK—contd.****Factories Bill—**

Motion for leave to introduce. 1180-81.

Motion to refer to Select Committee. 1627-30, 1638, 1646-47.

**Indian Medical Council Bill—**

Motion to consider. 1872.

**Indian Petroleum Bill—**

Motion for leave to introduce. 55.

Motion to circulate. 715-16.

**Indian Railways (Amendment) Bill—**

Motions to consider, to re-circulate and to recommit to Select Committee. 314, 473.

**Indian Wireless Telegraphy Bill—**

Motion to consider. 718-19, 722.

Motion to pass. 722.

**Land Acquisition (Amendment) Bill—**

Motion to consider. 723.

Motion to pass. 724.

**Motion re election of the Standing Committee for the Department of Industries and Labour. 293.****Resolution re—**

Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1885-88, 1895.

Raising of duty on foreign cotton imports. 568, 569.

**Workmen's Compensation (Amendment) Bill—**

Motion to consider. 61-62, 64, 67-68.

Consideration of—

Clause 2. 70, 73-75, 77.

Clause 3. 83-84, 85.

Clause 17. 118-19.

Clause 18. 119, 120, 121, 122-23, 126, 129-30.

Clause 23. 135, 143-45.

Motion to pass. 297, 298.

**O****OAKGROVE EUROPEAN SCHOOL—**

Question re distinction between the — and other East Indian Railway Schools. 531.

**OAKGROVE SCHOOL—**

See "School(s)".

**OATH OF OFFICE—**

Allah Baksh Khan Tiwana, Khan Bahadur Malik. 87.

Bower, Mr. E. H. M. 1.

Chatarji, Mr. J. M. 1.

Chimman Lal, Rai Bahadur Lala. 2.

Cox, Mr. A. R. 1.

Fraser-Tytler, Major W. K. 1, 1589.

Ghose, the Honourable Sir Bepin Behary. 1.

Glancy, Mr. Bertrand James. 599.

Graham, Sir Lancelot. 1.

**OATH OF OFFICE—contd.**

Grantham, Mr. S. G. 2.

Kamaluddin Ahmad, Shams-ul-Ulema Mr. 2.

Lee, Mr. D. T. N. 2.

Lloyd, the Honourable Mr. A. H. 1.

Milligan, Mr. J. A. 1.

Mitchell, Mr. A. 2.

Pandya, Mr. Vidya Sagar. 1.

Ramakrishna, Mr. V. 1.

Schuster, the Honourable Sir George. 245.

Sloan, Mr. T. 1.

Studd, Mr. E. 1.

Vazir Muhammad, Khan Bahadur Shaikh Yakub. 1.

**OFFENCES—**

Question re non-release on bail of persons arrested for — under section 18 of the Emergency Powers Act, 1931, in Delhi. 271-72.

**OFFICE BEARERS—**

Question re — of Postal Unions. 1448-49.

**OFFICE HOURS—**

Question re change of timings of the Army Headquarters special train or of — of Government offices in Simla. 1470.

**OFFICE SUPERINTENDENT(S)—**

See "Superintendent(s)".

**OFFICER(S)—**

Question re—

Alleged unfair treatment of the Railway — towards Muslim employees. 1096-98.

Conversion of the pensions of certain — from "voted" to "non voted". 535-36.

Grades of — in the Madras Customs Preventive Staff. 1333.

Increase in the proportion of Indian — in the Survey of India Department. 614.

Indebtedness of gazetted — in the Telegraph Department. 1368.

Muslim gazetted — in the United Provinces Postal Circle. 1821.

— and clerks in the Military Engineering Service, Western Command, Quetta. 686.

— discharged for failure to pass departmental examination in the Income-tax Department in Bengal. 1452.

Promotion and recruitment of — in the Survey of India Department. 614.

Promotion of — in the Survey of India Department. 614.

**OFFICER(S)—contd.**

Question *re*—*contd.*

Saving effected by the retrenchment of seven — in the Income-tax Department, Bengal. 1454.

Service of European Indian Civil Service or other — lent to places outside British India. 1768-71.

Services of European Indian Civil Service or other — lent to places outside British India. 935.

Strength of — in the Survey of India Department. 613.

Tours of — of certain departments. 1762-63.

**OFFICIAL(S)—**

Question *re*—

Extensions given to — with thirty years' service in the Punjab Postal Circle Office. 1111-12.

Position of an — appointed in a new office after the abolition of his post in his former office. 1689.

Postal — officiating in the Bombay Postal Circle. 1103-04.

Proposal of restricting the passage of Government —, proceeding to England, to British steamers. 628.

Rejection of applications for appointments from the sons and relatives of postal — of the Calcutta General Post Office. 1386.

Retirement of — having thirty years' service in Postal Circle offices. 1029.

Suicide committed by a postal — of the Rajshahi division. 955.

**OIL—**

Question *re* import of "Edible —" into India from Japan. 1745-46.

**OIL COMPANIES—**

Question *re* combination of —. 729.

**OIL-PRESS—**

Question *re* working of the — in jails. 1037.

**OLD DELHI—**

Question *re* proposed demolition of a portion of the wall which separates — from New Delhi. 543-44.

See also "Delhi" and "New Delhi".

**OMNIBUS SERVICE—**

Question *re* motor and electric — in Delhi. 1854.

**OPERATING DEPARTMENT—**

Question *re*—

Appointment of apprentice train examiners for the —. 1357.

Stoppage of recruitment of apprentice Train Examiners for the — East Indian Railway. 564.

**OPERATIONS—**

Question *re* fees charged for — performed in the Ripon Hospital, Simla, on the dependents of Government servants. 353-54.

**OPERATIVE STAFF—**

See "Staff".

**OPERATOR(S)—**

Question *re*—

Grant of pension to telephone —. 1688-89.

Lino and Mono — of the Government of India Presses. 1846-47.

Supersession of telephone — in the Lahore Telegraph Engineering Division. 1689.

**OPIUM DEPARTMENT—**

Question *re* Indianisation of the —. 95.

**ORDINANCE(S)—**

Question *re* Bengalis detained without trial in Burma jails under the Burma —. 897.

**ORDNANCE CORPS**

Question *re*—

Indianisation in the Indian Army —. 1610.

Promotion of Storemen in the Indian Army —. 1608-09, 1610-11.

Storemen of the Indian Army —. 1610.

**ORGANISATION(S)—**

Question *re*—

— invited for giving evidence before the Joint Parliamentary Committee. 748-50.

Rules for recognition of Government servants' —. 1370.

**ORISSA—**

Question *re*—

Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed — Province. 7-9.

Non-appointment of a Muslim on committees formed in connection with the separation of the — Province. 341-42.

Separate museum for —. 7.

**ORIAS—**

Question *re* dissatisfaction of — on account of non-inclusion of certain areas in the proposed Orissa Province. 7-9.

**ORTHODOX QUARTERS—**

See "Quarter(s)".

**OTTAWA—****Question re—**

Import and export of certain commodities since the ratification of the — Pact. 245-51.

Proposed revision of the terms of the — Agreement. 1334-36.

Sum to be taken from India as a result of the — Agreement. 182-83.

Unsatisfactory working of the — Agreement in some particulars. 624-25.

**OULD AND ROHILKHAND RAILWAY—**

See "Railway(s)".

**OVERBRIDGES—**

Question re construction of platforms and — at Mailani and Bhojseepura stations on the Rohilkund and Kumaon Railway. 758.

**OVERCROWDING—**

Question re sufferings of deck passengers coming from Rangoon to Calcutta due to —. 426.

**OVERSEAS TRADE—**

Question re participation of Indian shipping in the coastal and — of India. 1265-67.

**OVERSEER(S)—****Question re—**

Number of — and postmen, etc., in each Postal Circle. 1124-25.

— and sorting postmen under the control of the Presidency Postmaster, Bombay. 1473.

**OVERTIME RULES—**

Question re new — for the Assistant Preventive Officers of the Madras Customs Office. 1333-34.

**P****PACKER(S)—**

Question re recruitment of Garhwali Hindus in the Quetta Head Post Office as — and postmen. 954.

**PACKING CASE(S)—**

Question re gunny bags and — purchased by the Central Publication Branch. 900.

**PAINT(S)—**

Question re — used by the Eastern Bengal Railway for painting their wagon. 1052.

**PAKRASHI, MR. SATISH—**

Question re representations made by Dr. Bhupal Singh and — prisoners in the Andamans. 1600-01.

**PALERMO—**

Question re Third International Congress on Penal Laws held at —. 549-50.

**PANAMANIAN COUNTRIES—**

Question re complaints and hardships of Indians in the —, America. 463.

**PANDYA, MR. VIDYA SAGAR—**

Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee. 1533-42, 1549, 1551.

Motion for Adjournment re facilities given to Mahatma Gandhi in jail. 167, 168.

Oath of Office. 1.

Question (Supplementary) re—

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1275.

Fixation of the date and time for different Standing Committees. 1261.

Increase in the import of fruits and vegetables from foreign countries. 1119.

Telephone connection of India with London, etc. 97-98.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1300-19, 1409.

Resolution re repayment of half currency notes. 586-89.

**PANEL OF CHAIRMEN—**

Nomination to the —. 462.

**PARLIAMENTARY COMMITTEE—**

Question re nomination of the Members of the Legislative Assembly to the Joint —. 191-93.

See also "Committee(s)".

**PARMA NAND, BHAI—****Question re—**

Allegations against Khan Sahib Malik Karam Din, Telegraph Master, Government Telegraph Office, Lahore. 1667.

Allegations against the late establishment clerk, Simla Head Post Office. 1664-65.

Allegations against the Superintendent of Post Offices, Rohtak Division. 1382-83.

Appointment of Hindu Superintendents in the Punjab Postal Circle. 1667.

Arrangements for the Adh-Kumb Mela, 1933, at Hardwar. 1463.

**PARMA NAND, BHAI—contd.**

*Question re—contd.*

Case of Messrs. Vaishampayan and Potdar, accused in the Delhi conspiracy case. 1377-78.

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1460-61.

Classification in jail of Indian prisoners. 1376-77.

Communal inequality in inferior appointments in the Jhelum Head Post Office. 1379.

Compulsory attendance of the staff of the Hissar Head Post Office on a holiday. 1379-80.

Declaration of Hindu community as minority community for recruitment in the Punjab and North-West Frontier Postal Circle. 1666.

Duties performed by the Railway Staff during *melas* at Garhmuktesar, Hardwar and Roorkee. 1462.

Expenditure incurred for conveyance of mails by the sub-postmaster, Staff College, Quetta. 1664.

Extensions given to the Commissioner and Assistant Commissioner of Income-tax in the United Provinces and the Punjab, respectively. 1375-76.

Externment of one Mr. Ratna Prakash from Delhi. 1378-79.

Grant of an allowance to Mr. V. G. Vaishampayan, a State Prisoner. 1378.

Grant of pension to checkers of the Indian Army Service Corps. 1293.

Irregular action of the late Deputy Postmaster, Amritsar. 1663.

Issue of duty passes for his private servant by the Superintendent, Railway School of Transportation, Chandausi. 1461-62.

Pay of clerks of the Indian Army Service Corps. 1293.

Pay of store-keepers of the Indian Army Service Corps. 1293.

Period of stay of each Deputy Postmaster General in one Postal Circle. 1381-82.

Postings of postal officials in the Punjab Circle to their home districts. 1666-67.

Procedure for recruitment of engineering supervisors in the Posts and Telegraphs Department. 1665.

Procession on the *Ekdasi* Day in Shahdara, Delhi. 1458-60.

Retrenchment in the Chief Accounts Office of the North Western Railway. 559.

**PARMA NAND, BHAI—contd.**

*Question re—contd.*

Retrenchment of Hindus in certain Railway Mail Service Divisions. 1380-81.

Retrenchment of Hindus in the Punjab and North-West Frontier Postal Circle. 1380.

Stoppage of express trains at Khatauli, North Western Railway. 1376.

Transfer of Inspectors and Postmasters in the Punjab and North West Frontier Postal Circle. 1662-63.

Transfers from and to non-family and unhealthy stations in the transfrontier in the Punjab and North-West Frontier Postal Circle. 1664.

Transfers in the interest of service in the Posts and Telegraphs Department. 1663.

Use of an officer's carriage for joy rides under orders of the Divisional Superintendent, Moradabad Division, East Indian Railway. 1462.

Vacancies of postmen, etc., in the Saharanpur and Dehra Dun Head Post Offices and their sub-offices. 1665.

*Question (Supplementary) re—*

Air bombardment on the tribal area of the North-West Frontier. 683.

Alleged unfair treatment of the Railway Officers towards Muslim employees. 1098.

Examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 460.

**PARSI(S)—**

*Question re—*

*Question re* Government of India Departments with no Sikhs, Indian Christians, Depressed classes and —. 1596.

**PASS(ES)—**

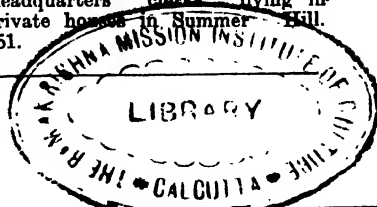
*Question re—*

Check of the work in connection with the issue of — on the North-Western Railway. 688.

Discontinuance of the privilege of allowing free — to the composers of the East Indian Railway Press. 1344-45.

First class Railway — allowed to the Head Mistress of the Oakgrove School. 453.

Free railway — allowed to Army Headquarters clerks living in private homes in Summer Hill. 351.



**PASS(ES)—contd.****Question re—contd.**

Issue of duty — for his private servant by the Superintendent, Railway School of Transportation, Chandausi. 1461-62.

Issue of — to the teachers of the East Indian Railway Indian High Schools. 530-31, 775.

Issue of Railway — to Government servants instead of granting travelling allowance. 452-53.

Misuse of privilege — by certain employees of the North Western Railway. 1238.

— for dependents of employees of the North Western Railway. 1482.

— for free conveyance of Army Headquarters clerks between Summer Hill and Simla. 914-16.

— of different classes allowed to Railway employees. 452.

**PASS SECTION—**

Question re — of the North Western Railway. 1054.

**PASSAGE(S)—**

Question re proposal of restricting the — of Government officials, proceeding to England, to British steamers. 623.

**PASSENGER(S)—****Question re—**

Hardships felt by — visiting the fair at Ajmer. 455.

Insulting treatment meted out to deck — at the time of their vaccination at Rangoon. 186-90.

Racial discrimination in charging fares from — by the North Western Railway staff. 922.

Running of dining cars for Indian — in mail and express trains. 763.

Sufferings of deck — coming from Rangoon to Calcutta due to overcrowding. 426.

**PASSENGER TRAIN(S)—**

See "Train(s)".

**PASSPORT(S)—****Question re—**

Cancellation of the — of Swami Bhawani Dayal Sanyasi to visit Fiji. 509-10.

Non-grant of a — to Mr. Subhas Chandra Bose to visit England. 178.

Refusal of — to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to London. 269-70.

**PATENT OFFICE—**

Question re sanction of additional staff for the Central Publication Branch to cope with the work connected with the transfer of the — specifications. 434.

**PATIL, RAO BAHADUR B. L.—**

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 984-85.

Indian Railways (Amendment) Bill—

Motions to consider, to re-circulate and to recommit to Select Committee. 318-19.

Consideration of clause 2. 696-99.

Motion to pass. 705.

Motion for Adjournment re—

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1430.

Forfeiture by Government of the *Free Press Journal* deposit. 1119, 20.

Question re bonus paid to policy holders by postal insurance. 1765.

Question (Supplementary) re forced feeding of Mahabir Singh, a late political prisoner in the Cellular Jail, Andamans. 286.

**PATNA—**

Question re running of mail trains through —. 1256.

**PAY(S)—****Question re—**

Differential treatment in sanctioning special — for Town Inspectors and Accountants of Post Offices. 1027.

Grant of benefit of enjoying the old scales of — to the retrenched staff of the Government of India Secretariat on re-employment. 758.

Half — given to the Rohilkhand and Kumaon Railway employees on sick list. 755.

Introduction of leave reserve and new scales of — in the Government of India offices. 1678.

Introduction of new scales of — for new entrants to services under the control of the Government of India. 273.

New scales of — for Army Headquarters staff. 1682.

— of clerks of the Indian Army Service Corps. 1293.

— of compositors of the Eastern Bengal Railway Press. 1345.

— of guards on the East Indian Railway. 632.

— of Indian Assistant Station Masters on the East Indian Railway. 632.

**PAY(S)—contd.**

**Question re—contd.**

- of Indian Station Masters on the East Indian Railway. 632.
- of new entrants to the Indian Civil Service and the Indian Police Service. 273.
- of store-keepers of the Indian Army Service Corps. 1293.
- of train clerks, telephone clerks, etc., on the East Indian Railway. 632.
- of Travelling Ticket Examiners on the East Indian Railway. 632.
- Special — sanctioned for Post Office Accountants. 1026.
- Special — sanctioned for the Town Inspectors of Post Offices. 1026.

**PAY AND ALLOWANCE(S)—**

- Question re excess in expenditure under “—” of Reservist. 606-07.

**PAY, SCALE OF—**

- Question re revision of the — of Accountants attached to certain Post Offices. 1027-28.

**PEKHAM, MR. I. M.—**

- Question re reports of —, United States Attorney, about the Ghadar party magazine. 457.

**PENAL LAWS—**

- Question re Third International Congress on — held at Palermo. 549-50.

**PENCH AND CHANDA VALLEY COLLIERIES—**

- Question re lower scale of railway freight on coal from —. 1044.

**PENSION(S)—**

**Question re—**

- Committee on the Great War —. 599-600.
- Conversion of the — of certain officers from “voted” to “non voted”. 535-36.
- Disability — drawn by Preventive Officers and Inspectors in the Karachi Customs House. 261-62.
- Disability — to discharged military men. 788.
- Grant of — to Baudet mistries. 1852.
- Grant of — to checkers of the Indian Army Service Corps. 1293.
- Grant of — to telephone operators. 1657-58, 1688-89.
- Leave and — of military employees **invalided during the Great War.** 770-73.
- aid to the Delhi Royal family. 48.
- of certain military men increased by re-employment during the Great War. 787-88.

**PENSION RULE(S)—**

**See “Rule(s)”.**

**PENSIONS, COMMUTED VALUE OF—**

- Demand for Excess Grant. 1229.

**PENSIONS, SUPERANNUATION ALLOWANCES AND—**

- Demand for Excess Grant. 1229.

**PEON(S)—**

- Question re discharge of certain — attached to Travelling Ticket Inspector section on the East Indian Railway. 1364.

**PERCENTAGE(S)—**

**Question re—**

- Fixation of — for appointments in Government service for Muslims and other communities. 87-90.
- Number and — of Indians in New Zealand. 532.

**PERIODICAL INSPECTION—**

- Question re — of stations on the East Indian Railway by the Inspectors of Accounts. 380.

**PERSIAN GULF—**

- Question re export of foreign sugar from Karachi to — Ports. 427.

**PERSONAL ASSISTANT—**

- Question re post of the — to the Accountant General, Posts and Telegraphs. 201.

**PERSONNEL—**

**Question re—**

- Re-employment of retrenched — of the Survey of India. 613.
- Selection of — for enrolment in the combatant ranks of the Indian Air Force. 1483-85.
- Waiting list of retrenched — in Railway Board's Office. 1046.

**PERSONNEL OFFICER(S)—**

**Question re—**

- Duties of the Divisional — on the North Western Railway. 1744-45.
- North Western Railway Divisional —' Conference. 731.
- Post of — on the Madras and Southern Mahratta Railway. 1116.

**PESHAWAR—**

**Question re—**

- Forcible acquisition of a bungalow by Military Estate Officer in —. 1754.
- Preponderance of Muslims in the — Postal Division. 1683-85.

**PETITION(S)—**

Appointment of the Committee on —. 462.

**Question re—**

— filed under section 27 of the Indian Income-tax Act in Calcutta. 1471.

— for the transfer of Mr. Mahendra Nath Roy from the Deoli Detention Camp to Calcutta. 921.

**PETROL—****Question re—**

Amount received from the enhanced — tax for road purposes. 1348-49.

Import of motor cars designed to run without — from Japan. 1365.

Purchase of — by the New Delhi Municipal Committee. 1109, 1767.

Utilisation of the two-anna — tax. 440-41.

**PETROLEUM BILL—**

See "Indian —" under "Bill(s)".

**PHULRA STATE—**

Motion for Adjournment *re* expulsion order passed by the Commissioner on some residents of the —. 1225, 1291-92.

**PIECE-WORKER(S)—****Question re—**

Decrease in the earning of the — of the Government of India Presses at Calcutta and Simla. 1847-48.

Memorial of temporary — of the Government of India Press, Calcutta. 1845

Non-payment to — in the Government of India Presses on certain Bank holidays. 1849

**PILGRIM(S)—****Question re—**

Consideration of the Hedjaz — (Muallims) Bill in the current Session of the Legislative Assembly. 600-01.

Difficulties and hardships of — returned from Hedjaz. 9-11.

Exclusion from customs duty of *Tabarrukats* imported by Haj —. 622.

Marking of sixteen square feet space for each — in — ships. 619-20.

Protectors of Haj — at Karachi. 464.

Refusal by Messrs. Turner Morrison Company to issue concession tickets to poor —. 622

**PILGRIMAGE—****Question re—**

Refusal to allow Mr. Ismail Ghuznavi to proceed to Mecca for Haj —. 1659-61.

**PILGRIM SHIP(S)—**

See "Ship(s)".

**PILIBHIT—**

Question *re* non-reservation of a compartment for ladies in the Light trains running between Bareilly Junction and — on the Rohilkund and Kumaon Railway. 1106.

**PISHIN—**

Question *re* letters found uncleared from the letter box of the — Post Office. 954.

**PISTOL(S)—****Question re—**

Licence for Tell and Diana brand German air — in Bengal. 695.

Pro-repeater alarm — and their detonating discs. 684.

Restrictions in Burma and Bengal for German automatic repeatent alarm —. 685.

**PLATFORM(S)—****Question re—**

Beggars on the station — of State Railways. 252.

Construction of — and overbridges at Mailani and Bhojopura stations on the Rohilkund and Kumaon Railway. 758.

— raised by Muslim employees in the compound of the Lahore General Post Office. 954.

**PLATFORM ASSISTANT(S)—**

Question *re* promotion of Indian Assistant Station Masters to the posts of — on the East Indian Railway. 465-66.

**PLAYING CARD(S)—****Question re—**

Firms manufacturing — in India. 907-09, 925-26.

Manufacture of — in India. 545-546

— imported into British India from Japan. 1117.

**PNEUMONIA—**

Question *re* deaths from — in jails in the Andamans. 286-87.

**POINT(S) OF ORDER—**

Indian States (Protection) Bill—

Decision given by the Chair that clause 3 of the — is not *ultra vires* of the Indian Legislature. 1222.

**POINT(S) OF ORDER—contd.**

**Indian States (Protection) Bill—contd.**

- raised by Mr. D. K. Lahiri (Chaudhury during the discussion of the motion to refer the Indian States (Protection) Bill to Select Committee, whether the proposed measure was not *ultra vires* of the Indian Legislature on the ground that its jurisdiction was not only confined to India, but also extended to parts which were beyond British India, as set forth in clause 2. 1078.
- raised by Mr. K. C. Neogy as to what kind of amendments (restricted or of a general character) can be moved to the motion of a mover of a Bill for eliciting public opinion by circulation. 209-10.
- raised by Mr. T. N. Ramakrishna Reddi as to whether two separate and independent things can be coupled in one and the same motion in connection with the discussion of the report of the Public Accounts Committee, as the first part of the motion in the particular case is with regard to the consideration of the Report of the Public Accounts Committee of 1930-31, and the second part is a demand for grant of a certain expenditure. 1913.
- raised by the Honourable Sir George Schuster as to whether an Honourable Member may reply to a debate on a motion which the House has already passed. 1541.
- Ruling** as to whether a member of the Executive Council of the Governor General, who is not a Member of the Assembly, has the right of raising a — on the floor of the House. 1692-93.
- When the Chair has asked for an explanation from an Honourable Member, no — ought to be raised until that explanation has been given. 1088.
- See also "Ruling(s)".

**POLICE—**

- Question re—**  
Allegations against the — in Calcutta and Bombay. 1739-42.
- Moplahs wanted by — under Regulation III and the Moplah Outrages Act. 634.

**POLICE CUSTODY—**

- Question re** remand to — of persons arrested for distributing unauthorised leaflets in Delhi. 271.

**POLICE GAZETTED OFFICER(S)—**

- Question re** posting of judicial and — to their home districts. 927.

**POLICE OFFICER(S)—**

- Question re—**  
Enforcement of the attendance of persons at police stations by —. 12-15.
- Motor drivers of — in Delhi. 463.

**POLICE SERVICE, INDIAN—**

- See "Indian Police Service".

**POLICE STATION(S)—**

- Question re** enforcement of the attendance of persons at — by police officers. 12-15.

**POLICY(IES)—**

- Question re—**  
Forward — of Government on the North-West Frontier Border. 1387.
- Payment of premia on insurance — from the Provident Fund by Railway employees. 765.

**POLICY HOLDER(S)—**

- Question re** bonus paid to — by postal insurance. 1765.

**POLISH—**

- Question re** test of Red Seal Brand metal — and silver — by the Alipore Test House. 1039-40.

**POLITICAL CONFERENCE(S)—**

- See "Conference(s)".

**POLITICAL MOVEMENT(S)—**

- Question re** persons in jail in connection with the Civil Disobedience Movement or other —. 443.

**POLITICAL OUTLOOK—**

- Question re** collection of information re — of military tenderers. 893.

**POLITICAL POSITION—**

- Question re** present — and administrative position of Gilgit. 190.

**POLITICAL PRISONER(S)—**

- See "Prisoner(s)".

**POONA—**

- Question re—**  
Allegations against Mr. Chandra, Archaeological Superintendent, —. 1856-57.
- Inadequate representation of Muslims on the Cantonment Board, —. 1830.

**POOR BOX COLLECTIONS—**

- Question re** non-maintenance of the record of — made on various ships by the Shipping Office, Bombay. 197.

**POPE ENQUIRY COMMITTEE—**

- Question re** report of the —. 1364-65.



**POPULATION—**Question *re—*

— of New Delhi. 49.

Ratio of Bengal and Punjab Muslims to the Muslim — of India. 919.

**PORT(S)—**Question *re* export of foreign sugar from Karachi to Persian Gulf —. 427.**PORT BLAIR—**Question *re* escape of certain life convicts from —. 94.**PORT COMMISSIONER(S)—**Question *re* reduction in the income of the — of Calcutta. 1021.**PORT TRUST(S)—**Question *re—*

Absence of Muslim Officers in the Calcutta —. 546-47, 1766.

Allegations against the Calcutta — 1832-33, 1833-34.

Amount spent by the Calcutta — on the purchase of materials in India. 1021-22.

Amount spent on the salaries and allowances of the officers under the Calcutta —. 547, 1766.

Economy and retrenchment in the Calcutta —. 1833, 1834-35.

Recruitment of Muslims in the Calcutta —. 548-49, 1766-67.

Recruitment of staff in the Calcutta —. 1767.

Retrenchment in the Calcutta —. 625-26.

Retrenchment of staff in the Calcutta —. 549.

Revenue earned at the docks by the Calcutta —. 626-28.

Stores purchase policy of the Calcutta —. 625, 1171.

Technical apprentices in the Calcutta — workshops. 1022.

Voluntary retirement of Muslim employees of the Calcutta —. 549, 1767.

**PORTMORE HOSPITAL—**Question *re* non-admission of Indians in the Walker Hospital and — in Simla. 356.**POST(S)—**Question *re—*

Certain — in the Rates and Claims offices of the Commercial Department of the East Indian Railway. 1456-47.

Inequality in the distribution of higher — in the Railway Clearing Accounts Office. 1109-10.

Removal of surplus — in the Engineering Cadre of the Great Indian Peninsula Railway. 340.

Surplus — in superior cadres on the Great Indian Peninsula Railway. 338-39.

**POST CARD(S)—**Question *re—*

Income since the increase in the price of the —. 1746-47.

Reduction of the cost of —. 438-39.

**POST OFFICE(S)—**Question *re—*

Allegations against the late establishment clerk, Simla Head —. 1664-65.

Allegations against the Superintendent of —, Rohtak Division. 1382-83.

Allowance to the stenographers of the Central Telegraph Office and General —, Madras. 1851-52.

Amalgamation and separation of the cadres of Inspectors of Railway Mail Service and Inspectors of —. 955.

Communal inequality in inferior appointments in the Jhelum Head —. 1379.

Communal representation of the inferior servants in the Allahabad General —. 1823.

Compulsory attendance of the staff of the Hissar Head — on a holiday. 1379-80.

Conversion of the Noakhali — into a Sub- —. 1832.

Differential treatment in sanctioning special pay for Town Inspectors and Accountants of —. 1027.

Discharge of certain Hindus in the Dehra Dun Head —. 1685-86.

Duties of the Head Clerk to a Superintendent of —. 1448.

Examination for the recruitment of lower division clerks held at the Benares City —. 956.

Examination papers of the — Accountants. 1028.

Frauds committed in the Quetta —. 955.

Grant of increments to the officials of the Sorting Office, Madras General —. 1851.

Grievances of the Muslim staff of the Quetta Head —. 199.

Inadequacy of the space for the staff in the Madras General —. 1171-73.

Letters found uncleared from the letter box of the Pishin —. 954.

Meal relief in —. 1367.

Muslims appointed in the Mussoorie Head and Sub- — in the inferior Cadre. 1445.

**POST OFFICE(S)—contd.**

*Question re—contd.*

- Non-filling up of certain permanent appointments in the —, 1101-02.
- Platform raised by Muslim employees in the compound of the Lahore General —, 954.
- Promotion of two non-Muslims as town Inspectors in the General —, Allahabad, 1822.
- Raising the status of the Dhooria — in the Rawalpindi Division, 1689-90.
- Recruitment of Garhwali Hindus in the Quetta Head — as packers and postmen, 954.
- Recruitment of members of minority communities in the — and Railway Mail Service in the Bombay Presidency, 1472-73.
- Rejection of applications for appointments from the sons and relatives of postal officials of the Calcutta General —, 1386.
- Replacement of a few Muslims by Hindus in the inferior establishment of the Jhelum Head —, 1688.
- Replacement of selection grade Town Inspectors of — at Calcutta by time-scale men, 1387.
- Retention in Calcutta of Babu Aswini Kumar Chowdhury, Town Inspector of —, 1386-87.
- Retrenchment in the Amritsar Head —, 199.
- Revision of the scale of pay of Accountants attached to certain —, 1027-28.
- Special pay sanctioned for — Accountants, 1026.
- Special pay sanctioned for the Town Inspectors of —, 1026.
- Structure of the Madras General — Building, 1173.
- Vacancies of postmen, etc., in the Saharanpur and Dehra Dun Head — and their sub-offices, 1665.
- Want of proper lavatory arrangement in the Madras General — Building, 1174.

**POST OFFICE BUILDING—**

- Question re removal of the sorting office to the Madras General —, 198-99.

**POSTAGE STAMPS—**

- Question re sale of five-piece and four-piece —, 438.

**POSTAL APPOINTMENT(S)—**

- See "Appointment(s)".

**POSTAL CIRCLE(S)—**

*Question re—*

- Abolition of posts of certain cadres in each —, 540.
- Appointment of Hindu Superintendents in the Punjab —, 1667.
- Communal composition of non-gazetted staff in the Bengal and Assam —, 661-62.
- Communal composition of non-gazetted staff in the Bihar and Orissa —, 663-64.
- Communal composition of non-gazetted staff in the Bombay —, 665-66.
- Communal composition of non-gazetted staff in the Burma —, 667-68.
- Communal composition of non-gazetted staff in the Madras —, 671-72.
- Communal composition of non-gazetted staff in the Punjab and North-West Frontier —, 673-74.
- Communal composition of non-gazetted staff in the Sind and Baluchistan —, 675-76.
- Communal composition of non-gazetted staff in the United Provinces —, 677-78.
- Communal composition of the gazetted staff in the Bengal and Assam —, 640-42.
- Communal composition of the gazetted staff in the Bihar and Orissa —, 642-44.
- Communal composition of the gazetted staff in the Bombay —, 644-46.
- Communal composition of the gazetted staff in the Burma —, 646-48.
- Communal composition of the gazetted staff in the Central —, 648-50.
- Communal composition of the gazetted staff in the Madras —, 650-52.
- Communal composition of the gazetted staff in the Punjab and North-West Frontier —, 652-54.
- Communal composition of the gazetted staff in the Sind and Baluchistan —, 654-56.
- Communal composition of the gazetted staff in the United Provinces —, 656-58.
- Declaration of Hindu Community as Minority Community for recruitment in the Punjab and North-West Frontier —, 1665.
- Extensions given to officials with thirty years' service in the Punjab — Office, 1111-12.

**POSTAL CIRCLE(S)—*contd.****Question re—contd.*

- Frauds committed by the departmental and extra-departmental staff in the Bombay —. 1473-74.
- Muslim gazetted officers in the United Provinces —. 1821.
- Number of overseers and postmen, etc., in each —. 1124-25.
- Period of stay of each Deputy Postmaster General in one —. 1381-82.
- Postal clerks in each —. 541, 953.
- Postal Officials officiating in the Bombay —. 1103-04.
- Retirement of officials having thirty years' service in — offices. 1029.
- Retrenchment in the United Provinces —. 1028-29, 1372-73.
- Retrenchment of certain postal officials in each —. 541-42.
- Retrenchment of head-postmen in each —. 541.
- Retrenchment of Hindus in the Punjab and North-West Frontier —. 1380.
- Retrenchment of inferior servants in each —. 542.
- Saving effected by retrenchment of staff in each —. 542.
- Transfer from and to non-family and unhealthy stations in the trans-frontier in the Punjab and North-West Frontier —. 1664.
- Transfer of Inspectors and Postmasters in the Punjab and North-West Frontier —. 1662-63.

**POSTAL CLERK(S)—***See* "Clerk(s)".**POSTAL CONFERENCE—**

- Question re* International — to be held at Cairo. 1447-48.

**POSTAL DEPARTMENT—***Question re—*

- Preference to *ex-approv*ed candidates in the — in making appointments. 1103.
- Unauthorised appointments in the —. 1369.

**POSTAL DIVISION(S)—***Question re—*

- Certain posts in each — of the Bombay Circle. 1682-83.
- Grievances of the Muslim employees of the Dehra Dun —. 36-37.
- Preponderance of Muslims in the Peshawar —. 1683-85.

**POSTAL EMPLOYEE(S)—***See* "Employee(s)".**POSTAL INSURANCE—***See* "Insurance".**POSTAL INSURANCE FUND—**

- Question re* payment of death claims by the —. 1361-62.

**POSTAL OFFICIAL(S)—***Question re—*

- Contingent allowance sanctioned for certain —. 1025-26.
- Postings of — in the Punjab Circle to their home districts. 1666-67.
- Retrenchment of certain — in each Postal Circle. 541-42.
- See also* "Official(s)".

**POSTAL RESERVE CLERK(S)—***See* "Clerk(s)".**POSTAL STAFF—**

- Question re* supply of umbrellas to the outdoor —. 543.

**POSTAL UNIONS—***See* "Union(s)".**POSTING(S)—***Question re—*

- of judicial and police gazetted officers to their home districts. 927.
- of postal officials in the Punjab Circle to their home districts. 1666-67.

**POSTMAN(EN)—***Question re—*

- Number of overseers and —, etc., in each Postal Circle. 1124-25.
- Overseer and sorting — under the control of the Presidency Postmaster, Bombay. 1473.
- Recruitment of Garhwali Hindus in the Quetta head post office as packers and —. 954.
- Retrenchment of head — in each Postal Circle. 541.
- Saving effected by the discontinuance of allowance paid to — for the delivery of Foreign Mail. 542.
- Vacancies of —, etc., in the Saharanpur and Dehra Dun Head Post Offices and their sub-offices. 1665.

**POSTMASTER(S)—***Question re—*

- Allegations against one Mr. Mangharam, Sub- —, Kambar. 264-65.
- Communal composition of the holders of selection grade posts under the —, Allahabad. 1822.
- Expenditure incurred for conveyance of mails by the sub- —, Staff College, Quetta. 1664.
- Irregular action of the late Deputy —, Amritsar. 1663.

**POSTMASTER(S)—contd.**

Question *re*—*contd.*

Non-appointment of Muslims as extra-departmental — at Allahabad. 1822-23.

Overseer and sorting postmen under the control of the Presidency — Bombay. 1473.

Transfer of Inspectors and — in the Punjab and North-West Frontier Postal Circle. 1662-63.

**POSTMASTER(S) GENERAL—**

Question *re*—

Non-observance of certain orders of the —, Punjab. 1687-88.

Period of stay of each Deputy — in one Postal Circle. 1381-82.

**POSTPONEMENT—**

Question *re*—

Representation for the — of the Autumn Session of the Legislative Assembly. 1589.

Representation for the — of the Autumn Session of the Legislative Assembly to November. 266-67.

**POSTS AND TELEGRAPHS—**

Question *re*—

Abolition of the office of the Accountant-General, —. 200.

Accounts in the — Account and Audit Offices. 200.

Appointment of the Assistant in charge of the administration branch in the Office of the Deputy Accountant-General, —, Delhi. 201.

Communal composition of non-gazetted staff under the direct control of the Director General of —. 658-60.

Communal composition of the gazetted staff under the direct control of the Director General of —. 635-40.

Confirmation of one Mr. Bashir Ahmad Akhgar in the Office of the Deputy Accountant General, —, Delhi. 377.

Constitution of the Office of the Accountant General —. 200.

Employment of Sikhs in the Office of the Deputy Accountant General, —, Delhi. 376-77.

Post of the Personal Assistant to the Accountant-General, —. 201.

Rent of Government quarters paid by the staff of the office of the Deputy Accountant General, —, Delhi. 1053-54.

Representation of minority communities in the Offices of the Accountant-General, —. 200.

**POSTS AND TELEGRAPHS—contd.**

Question *re*—*contd.*

Strength of the non-gazetted staff in the office of the Accountant-General, —. 200.

Supervisor of records of the Office of the Deputy Accountant-General, —, Delhi. 377.

**POSTS AND TELEGRAPHS DEPARTMENT—**

Demand for Excess Grant. 1230.

Question *re*—

Claims of the — against the Railways. 617.

Decentralisation of the administration of the —. 1369-70.

Procedure for recruitment of engineering supervisors in the —. 1665.

Retirements in certain grades in the —. 1852-53.

Transfers in the interest of service in the —. 1663.

**POSTS AND TELEGRAPHS EMPLOYEES' MUTUAL RELIEF FUND—**

Question *re* Indian —, Lahore. 1283.

**POSTS AND TELEGRAPHS OFFICE(S)—**

Question *re* inspection of combined —. 1370-71.

**POTDAR, MR.—**

Question *re* case of Mr. Vaishampayan and —, accused in the Delhi conspiracy case. 1377-78.

**POWER HOUSE—**

Question *re* staff of the Chola — Great Indian Peninsula Railway. 1859.

**PRAYERS—**

Question *re* facilities given to Muslim employees of the State Railway to perform Idul-Zuha and Idul-Fitr —. 544.

**PREFERENCE(S)—**

Question *re* — to goods manufactured in India. 1124.

**PREMIA—**

Question *re*—

Payment of — on insurance policies from the Provident Fund by Railway employees. 765.

Permission to railway employees to pay their insurance — from the Provident Fund. 752.

**PRESIDENCY POSTMASTER—**

See "Postmaster(s)".

## PRESIDENT(S)—

Question *re* appointment of — and Members of the Tariff Board from provinces other than Bombay. 927-30.

## PRESIDENT, MR. (THE HONOURABLE SIR SHANMUKHAM CHETTY)—

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 780.

Expressions of regret on the death of—

Khan Bahadur Sarfaraz Hussain Khan. 54-55.

Mr. B. N. Misra. 1864-65.

Mrs. Annie Besant. 1920.

Sir Zulliqar Ali Khan. 53.

Remarks by — in reply to the point of order raised by Mr. D. K. Lahiri Chaudhury, during the discussion of the motion to refer the Indian States (Protection) Bill to Select Committee: Clause 2 of the Bill defines the persons intended to be protected by the Bill, but as the actual act of protection will take place within the British Indian territory the Bill is not *ultra vires* of the Indian Legislature. 1079.

Remarks by — in reply to a point of order raised by Mr. T. N. Ramakrishna Reddi: The usual parliamentary practice, when a motion to take into consideration the Public Accounts Committee Report is made, is that no question is put after discussion and the motion, that the Report of the Public Accounts Committee be taken into consideration, is simply made with a view to giving an opportunity to the House to have a full and thorough discussion on the points arising within the Report of the Public Accounts Committee and no question is put. The question relating to excess grant has been coupled with the first part in the particular case on which the point of order has been raised, because it arises out of the Report with which the first part deals, and so no question will be put relating to the first part. The only question that will be put will be that the Assembly do approve the excess expenditure. 1913-14.

PRESIDENT, MR. (THE HONOURABLE SIR SHANMUKHAM CHETTY)—*contd.*

Suggestion by — that in order to get a complete answer from Government and for the convenience of every one concerned, it would be an excellent practice if Honourable Members, who refer the attention of Government to a particular newspaper article, always make it a practice to send a copy of that article to the Government along with the question. 1100-01

## PRESS(ES)—

Question *re*—

Action taken on the memorials of the employees of the East Indian and Eastern Bengal Railway —. 1347.

Allegations against the Head Clerk, Government Forms —, Aligarh. 1289-90.

Allotment of residential quarters in the Currency Note —, Nasik. 786.

Application of the Factory Rules to the Currency Note —, Nasik. 786-87.

Appointment of Adya Gaud Brahmins in the Currency Note —, Nasik. 785.

Assistant supervisors of different communities appointed in the Currency Note —, Nasik. 785.

Contracts for building and supplying goods, etc., in the Government Forms —, Aligarh. 1289.

Conviction and sentence of the perpetrators of thefts in the Currency Note —, Nasik. 784.

Decrease in the earning of the piece-workers of the Government of India — at Calcutta and Simla. 1847.

Demotion and reduction in salaries of the industrial staff in the Eastern Bengal Railway —. 1346.

Departmental action taken against the supervisors retained or retrenched in the Currency Note —, Nasik. 785.

Discontinuance of the privilege of allowing free passes to the compositors of the East Indian Railway —. 1344-45.

European style quarters for Indians in the Currency Note —, Nasik. 785-86.

Expenditure incurred on the transmission of publications from the Government of India —, Calcutta, to the Central Publication Branch, Delhi. 433.

**PRESS(ES)—contd.**

**Question re—contd.**

Faulty check over compositors' work in the Government of India — at Calcutta and Simla. 1848-49.

Forged ten-rupee notes in the Currency Note —, Nasik. 784.

Income of the Accountant, Government Forms —, Aligarh. 1289.

Introduction of Lino Machines in the Government of India —. 1843-44.

Lino and Mono Operators of the Government of India —. 1846-47.

Memorial from certain employees of the East Indian and the Eastern Bengal Railway —. 1343.

Memorial of inkmen of the Government of India —, Calcutta. 1844-45.

Memorial of temporary piece-workers of the Government of India —, Calcutta. 1845.

Non-payment to piece-workers in the Government of India — on certain Bank holidays. 1849.

Pay of compositors of the Eastern Bengal Railway —. 1345.

Position of compositors and binders after the amalgamation of the East Indian and Eastern Bengal Railway —. 1346-47.

Printing of the Army Department Training Manual in private —. 1845-46.

Proposed shifting of the Government of India —, Calcutta, to Delhi. 1842-43.

Purchase of certain machines by the East Indian Railway —. 1342-43.

Purchase of time-recorder machines by the East Indian Railway —. 1341-42.

Recruitment of Muslim employees in the Government Forms —, Aligarh. 1289.

Resolutions passed by the employees of the East Indian and Eastern Bengal Railway —. 1345.

Retrenchment among the industrial staff of the Eastern Bengal Railway —. 1345-46.

Retrenchment in the East Indian Railway —. 1339-41.

Retrenchments and reductions in the operative staff of the East Indian Railway —. 1343-44.

Sale of waste paper in the East Indian Railway —. 1342.

Shortage of five-rupee note sheets in the Currency Note —, Nasik. 784.

**PRESS(ES)—contd.**

**Question re—contd.**

Special qualifications required for the posts of the Master and Deputy Master of Nasik —. 785.

Staff of the Eastern Bengal Railway —. 1344.

Star water-marked currency notes printed in the Currency Note —, Nasik. 784.

Technical apprentices employed in the — at Nasik. 786.

Verification of spoiled or rejected currency notes in the Currency Note —, Nasik. 784.

Working of the oil — in jails. 1037.

**PREVENTIVE OFFICER(S)—**

**Question re—**

Disability pensions drawn by — and Inspectors in the Karachi Customs House. 261-62.

New overtime rules for the Assistant — of the Madras Customs Office. 1333-34.

**PREVENTIVE STAFF—**

Question re grades of officers in the Madras Customs —. 1333.

**PRICE(S)—**

Question re selling — of milk and cream at the Wellington Farm. 604-05

**PRIMARY EDUCATION ACT—**

. See "Punjab —" under "Act(s)".

**PRINCE(S)—**

Question re expenditure on the Chamber of — from the Indian revenues. 190-91.

**PRINCE OF WALES SEAMEN'S INSTITUTE—**

**Question re—**

Admission of Indian Officers and Cadets in the —. 1670.

Contribution towards the building fund of the —. 1670.

Non-admission of Indians to the — Bombay. 1267.

**PRINTING CLEARING OFFICE—**

Question re —. 1844.

**PRINTING, STATIONERY AND—**

Demand for Excess Grant. 1229.

**PRISONER(S)—**

**Question re—**

Allegations in regard to punishments, etc., meted out to political — in the Haripur Central Jail. 1122.

**PRISONER(S)—contd.****Question re—contd.**

Application for transfer from the Rajahmundry Jail of State — Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee. 517-18.

Bengal State — detained in jails of the Madras Presidency. 895.

Bengali State — confined in the Rajahmundry Jail. 1605-06.

Censorship of the correspondence of political —. 283-84.

Changes in the treatment of — in the Andamans. 1602.

Classification in jail of Indian —. 1376-77.

Condition of State — Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee. 517.

Condition of the health of certain political — in the Cellular Jails, Andamans. 361-62.

Condition of the health of Mukul Ranjan Sen and Biren Roy, political — in the Andamans. 360-61.

Death of certain political — in the Andamans. 98-104, 110, 112.

Death of — from hunger-strike in the Andamans. 279.

Diet allowance of certain Bengal State — detained in jails in the Madras Presidency. 895-96.

Disposal of dead bodies of certain — in the Andamans. 1602.

Dr. Rabindra Nath Tagore's message to the hunger-striking — in the Andamans. 1601-02.

Forced feeding of Mahabir Singh, a late political — in the Cellular Jail, Andamans. 285-86.

Grant of an allowance to Mr. V. G. Vaishampayan, a State —. 1378.

Grievances of the State — confined in the Damoh Sub-Jail. 280-83.

Hunger-strike by certain political — in the Andamans. 110, 335-36, 364, 1597, 1603.

Illness of certain State — detained in the Rajahmundry Central Jail. 516.

Illness of — in the Andamans. 1603.

Illness of Professor J. C. Ghosh, a political —. 1835.

Illness of State —, Manoranjan Gupta and Bhupendra Kumar Dutt. 1604.

Interview with political — in the Andamans by their relatives. 363-64.

Interviews granted with political — in the Andamans. 1597-98.

Intimation of the deaths of — in the Andamans to their relatives. 1604.

**PRISONER(S)—contd.****Question re—contd.**

Maltreatment of Mr. Keshav Chandra Gupta, a political —. 921.

Menu of diet supplied to certain — in the Andamans. 1599.

Newspapers supplied to political — in the Andamans. 1597.

Non-grant of an allowance to the family of State — Mr. Arun Chandra Guha. 1605.

Non-grant of an allowance to the family of State — Mr. Manoranjan Gupta. 1604-05.

Non-supply of certain books to State — confined in the Damoh Sub-Jail. 284.

Permission to — in the Andamans to have money in Jailor's custody for personal expenditure. 1598-99.

Political — confined in jails in India and in the Andamans. 497.

Present condition of the health of State — Mr. Surendra Mohan Ghosh. 516-17.

Present state of health of Benoyendra Nath Roy Chaudhury, a State — in the Rajahmundry jail. 920.

Proposed transfer of one Sudhansu Ranjan Sen, a political —, to the Andamans. 1831-32.

Provision of electric fans for State — and detenus in the Trichinopoly jail. 896.

Reply of telegrams enquiring about the health of political — in the Cellular Jail, Andamans. 362-63.

Representations made by Dr. Bhupal Singh and Mr. Satish Pakrashi, — in the Andamans, 1600-01.

Representations to Government of Mr. Aziz Hindi, a State—. 1455.

Search by police of the room and belongings of State — confined in the Damoh Sub-Jail. 284-85.

Sending or receiving of communications by — joining hunger-strike in the Cellular Jail, Andamans. 1598.

Sports allowance for Bengal State — in jails of the Madras Presidency. 896-97.

State — and detenus in jails. 897.

State — in custody. 4-6.

State — interned in villages and detenus in the Deoli Detention Camp. 897.

Transfer of certain State — from Muzaffargarh Jail to some other jail. 515-16.

**PRISONER(S)—*concl'd.***

Question *re—concl'd.*

Transfer of State — Mr. Rasik Lal Das to some other jail. 1606.

Transportation of political — to the Andamans. 110-12

Resolution *re* release of Mr. Gandhi, Mufti Kifaeatullah and other political —. 566.

**PRIVATE PRESSES—**

See "Press(es)".

**PRIVATE SECRETARY—**

Question *re* Mr. Gandhi's telegram to the — to His Excellency the Viceroy and replies thereto. 538-40.

**PRIVILEGE(S)—**

Question *re* extension of certain — to the Bihar and Orissa and Calcutta Muslim Chambers of Commerce. 453-54.

**PRIVILEGE PASSES—**

See "Pass(es)".

**PROBATIONER(S)—**

Question *re* advertisement for — for certain posts at the Railway School, Chandausi. 743-44.

**PROCEEDINGS—**

Question *re* — of the Sub-Committee of the World Economic Conference dealing with shipping subsidies. 1251.

**PROCESSION—**

Question *re* — on the *Ekdasi* Day in Shahdara, Delhi. 1458-60.

**PROFESSIONAL REPRESENTATION—**

See "Representation".

**PROFESSOR(S)—**

Question *re* assault by a Gurkha sepoy on some — of a Barisal College. 1840.

**PROFIT—**

Question *re* — and loss of the Government military dairies. 1280-81.

**PROHIBITION(S)—**

Question *re—*

— of the entry into India of publications by Rash Behari Bose. 359-60.

— of the importation into India of Trotsky's History of the Russian Revolution. 95.

**PROPERTY(IES)—**

Question *re* — of the Nawab Nazims of Bengal and Bihar and Orissa. 48-49.

**PROPRIETARY RIGHTS—**

Question *re* suits instituted by Government for the declaration of their — in respect of certain sites and bungalows in the Rawalpindi Cantonment. 1470-71.

Resolution *re* — of citizens in the land. 1126-51.

**PROSECUTION(S)—**

Question *re* — of certain officials of the Central Telegraph Office, Calcutta, for divulging the contents of telegrams regarding races. 1365-66.

**PROTECTION—**

Question *re—*

Industries given — under the safeguarding of Industries Act 744-46.

— to the Indian shipping companies, 1264-65.

**PROTECTOR(S)—**

Question *re* — of Haj Pilgrims at Karachi. 464.

**PROVIDENT FUND—**

Question *re—*

Payment of premia insurance policies from the — by railway employees, 765.

Permission to railway employees to pay their insurance premia from the —. 752.

**PROVINCIAL CONFERENCE(S)—**

See "Conference(s)".

**PROVINCIAL CRIMINAL LAW SUPPLEMENTING BILL—**

See "Bill(s)".

**PROVINCIAL GOVERNMENT(S)—**

Question *re—*

Loans due to Indian States and —. 536.

Loans taken by —. 537-38.

Payment by the Indian States and — of debt instalments. 537.

Refusal of — Demand for Loans. 537.

**PUBLIC ACCOUNTS COMMITTEE—**

Consideration of the Report of the —. 1908-15, 1920-27.

Point of order raised by Mr. T. N. Ramakrishna Reddi as to whether two separate and independent things can be coupled in one and the same motion in connection with the discussion of the report of the —, as the first part of the motion in the particular case is with regard to the consideration of the Report of the — of 1930-31, and the second part is a demand for grant of a certain expenditure. 1913.



# **PUBLIC ACCOUNTS COMMITTEE— contd.**

Presentation of the Report of the —.  
797-839.

Remarks by Mr. President in reply to a point of order raised by Mr. T. N. Ramakrishna Reddi: The usual parliamentary practice, when a motion to take into consideration the — Report is made, is that no question is put after discussion, and the motion, that the Report of the — be taken into consideration, is simply made with a view to giving an opportunity to the House to have a full and thorough discussion on the points arising within the Report of the — and no question is put. The question relating to excess grant has been coupled with the first part in the particular case on which the point of order has been raised, because it arises out of the Report with which the first part deals, and so no question will be put relating to the first part. The only question that will be put will be that the Assembly do approve the excess expenditure. 1913-14.

Resolution *re* amendment of Rule relating to the constitution of the —. 1896-97.

# **PUBLIC HEALTH COMMISSIONER IN INDIA—**

Question *re* appointment of an Indian as Director General, Indian Medical Service, or as —. 923-25.

# **PUBLIC HEALTH SECTION—**

Question *re* Indian Research Fund Association: work done by the Assistant-in-Charge of the — of the office of the Director General, Indian Medical Service 948-49.

# **PUBLIC SERVANTS—**

See "Servant(s)".

# **PUBLIC SERVICE COMMISSION—**

Question *re*—

— examination for recruitment of clerks for the Government of India. 1834.

— examination for the second division of the Secretariat. 904-05.

— examination for the Secretariat. 900-01.

Refund of fees to certain candidates not permitted to appear at the Ministerial Service Examination of the —. 1354-55.

# **PUBLIC SERVICE COMMISSION— contd.**

Question *re*—*contd.*

Success of a non-matriculate temporary clerk of the Railway Board's Office in the — stenographers' examination. 1098-99.

# **PUBLIC WORKS DEPARTMENT—**

Question *re* employment of communities inadequately represented in the Central —. 1095.

# **PUBLICATION(S)—**

Question *re*—

Cost of production of — sold as waste paper on the transfer of the Central Publication Branch to Delhi. 900.

Disposal of certain — as waste paper on the eve of the transfer of the Central Publication Branch to Delhi. 430-33.

Expenditure incurred on the transmission of — from the Government of India Press, Calcutta, to the Central Publication Branch. Delhi. 433.

Prohibition of the entry into India of — by Rash Behari Bose. 359-60.

— of advertisements in connection with the services and educational matters, etc., in the Gazette. 603-04.

# **PUNISHMENTS—**

Question *re*—

Allegations in regard to —, etc., meted out to political prisoners in the Haripur Central Jail. 1122.

— given to the subordinates of the Moradabad Division, East Indian Railway. 796.

# **PUNJAB—**

Question *re*—

Appointment of Hindu Superintendents in the — Postal Circle. 1667.

Communal composition of the gazetted staff in the — and North-West Frontier Postal Circle. 652-54.

Communal composition of the non-gazetted staff in the — and North-West Frontier Postal Circle. 673-74.

Declaration of Hindu Community as Minority Community for recruitment in the — and North West Frontier Postal Circle. 1666

Districts in the — where people are allowed to keep swords. 516.

Extensions given to officials with thirty years' service in the — Postal Circle Office. 1111-12.

**PUNJAB—contd.**

**Question re—contd.**

Extensions given to the Commissioner and Assistant Commissioner of Income-tax in the United Provinces and the — respectively. 1375-76.

Muslims of Bengal, — and other provinces in the Government of India Secretariat and attached offices. 919-20.

Non-observance of certain orders of the Postmaster General, —. 1687-88.

Posting of Hindu Superintendents in the — and North-West Frontier Postal Circle. 1683.

Posting of postal officials in the — Circle to their home districts. 1566-67.

Ratio of Bengal and — Muslims to the Muslim population of India. 919.

Recruitment of Sikhs in the Income-tax Department, — and North-West Frontier Province. 507-08.

Recruitment of Sikhs in the office of the Income-tax Commissioner, — and North-West Frontier Province. 507.

Retrenchment of Hindus in the — and North-West Frontier Postal Circle. 1380.

Transfer of Inspectors and Postmasters in the — and North-West Frontier Postal Circle. 1662-63.

Transfer from and to non-family and unhealthy stations in the trans-frontier in the — and North-West Frontier Postal Circle. 1664.

**PUNJAB MAIL(S)—**

Question re diversion of the East Indian Railway — from the main line to the Grand Chord. 609.

See also "Mali(s)".

**PUNJAB PRIMARY EDUCATION ACT—**

See "Acts(s)".

**PURCHASE(S)—**

**Question re—**

— of Rohilkund and Kumaon Railway. 757.

— of shares by Government servants in joint stock companies. 1252.

Stores — policy of the Calcutta Port Trust. 625, 1171.

**PURI, MR. B. R.—**

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1706.

**PURI, MR. B. R.—contd.**

Hindu Temple Entry Disabilities

Removal Bill—

Motion to circulate. 230, 232.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1088, 1190, 1193.

Motion for Adjournment re—

Aerial bombardment on Kotkai in the Trans-Frontier. 878-81.

Alleged scurrilous article in the *Daily Gazette* re Mahatma Gandhi. 1389-90, 1419, 1420-21, 1422, 1423, 1435.

Facilities given to Mahatma Gandhi in jail. 166, 168.

Motion re future Administration of Aden. 1735-36.

Murshidabad Estate Administration Bill—

Motion to pass. 1578-82, 1583, 1585, 1586, 1587, 1588.

**Question re—**

Cantonments in India. 611-12.

Creation of an All-India cadre for the civilian Executive Officers of Cantonments. 613.

Executive Officers of Cantonments in India. 612.

Increase in the proportion of Indian Officers in the Survey of India Department. 614.

Promotion and recruitment of officers in the Survey of India Department. 614.

Promotion of Officers in the Survey of India Department. 614.

Purchase of shares by Government servants in joint stock companies. 1252.

Re-employment of retrenched personnel of the Survey of India. 613.

Strength of officers in the Survey of India Department. 613.

Withdrawal from Cantonment authorities the management of class 'B' land and entrusting the same to the Military Estates Officers. 612-13.

**Question (Supplementary) re—**

Allegations against the Military in Calcutta. 172-75.

Allegations of assault made on the Congressmen after their arrest in Calcutta. 22, 23.

Alleged assault on the people at the Esplanade tram-shed in Calcutta. 116.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1271, 1272, 1273, 1274.

Enforcement of the attendance of person at police stations by police officers. 14, 15.

**PURI, MR. B. R.—*contd.***

Question (Supplementary) *re—contd.*

Expenditure on the Chamber of Princes from the Indian revenues. 190-91.

Fixation of percentage for appointments in Government service for Muslims and other communities. 87.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1593, 1594.

Insulting treatment meted out to deck passengers at the time of their vaccination at Rangoon. 186-90.

Loans advanced to the Bahawalpur State out of Indian revenues. 935-40.

Mr. Gandhi's fast. 28, 29, 30.

Professional representation in the Civil and Criminal Courts of Quetta. 180-82.

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

Quetta Club. 179-80.

State Prisoners in custody. 6.

Suspension of the Civil Disobedience Movement. 92.

Telephone connection of India with London, etc. 97.

Treatment meted out to Mr. M. S. Aney in the Midnapur Jail. 175-78.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 3. 84-85.

**PURI, MR. GOSWAMI M. R.—**

Question *re—*

Adulteration in the country liquor in Delhi. 503-04.

Communal composition of certain cadres on the Great Indian Peninsula Railway. 559.

Enhancement of water tax in the Timarpur quarters, Delhi. 201.

Heavy traffic of cocaine and *charas* in Delhi. 504-05.

Introduction of tender system for sale of country liquor in Delhi. 499-500.

Maintenance of a uniform rate for retail sale of country liquor in Delhi. 502-03.

Retrenchment of railway employees. 1174.

Sale of coloured and plain liquors at Delhi. 500-01.

Selling price of country liquor in Delhi. 501-02.

**PURNEA—**

Question *re* transfer of the Supaul and Madhipura Sub-Divisions in the Bhagalpur District to — District for Income-tax purposes. 278.

**PURSHOTAMDAS THAKURDAS, SIR—**

Question *re* minute of dissent of — on the report of the London Committee on the Indian Reserve Bank. 1690-92.

**PUSHKAR—**

Question *re* amount spent on the Queen Mary Zenana Ghat, — 378-79.

**Q****QUALIFICATION(S)—**

Question *re—*

Educational — of non-official nominated members of the New Delhi Municipal Committee. 1107-08.

Grant of enhanced salaries to Hindu Assistant Surgeons with English —. 1285.

**QUARTER(S)—**

Question *re—*

Allotment of — in New Delhi. 1037-39.

Allotment of residential — in the Currency Note Press, Nasik. 786.

Certain alterations in the "D" type orthodox — in New Delhi. 1754-55, 1840-41.

Condemnation of certain — in Timarpur, Delhi. 370-71.

Construction of new — for Members of the Legislatures in New Delhi. 345-46.

Construction of — for teachers of Bengal Nagpur Railway schools. 1479.

Construction of — in New Delhi. 912-13, 344-45, 346-47, 1756.

Dangerous condition of Timarpur —, Delhi. 1854.

Defects in certain — of Lake and Clive Squares in New Delhi. 1281-82.

Discrimination in the distribution of — on the North Western Railway. 1481-82.

Electric light in "D" type — in New Delhi. 1755-56.

Enhancement of water tax in the Timarpur —, Delhi. 201.

European style — for Indians in the Currency Note Press, Nasik. 785-86.

**QUARTER(S)—contd.**

**Question re—contd.**

- Free occupation of Government — by certain employees of the Archaeological Department. 1856.
- Grant of house rent to clerks unwilling to occupy Summer Hill —. 1469-70.
- Occupation of — in New Delhi by the staff of the Government of India after they become out of class. 1681.
- Provision of a club for Indian clerks living in Summer Hill —. 348-49, 1467.
- Provision of facilities for free conveyance to the civilian clerks living in Summer —. 349-50, 1468-69, 1470.
- Rent of Government — paid by the staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 1053-54.
- Safety of the inmates of the 'D' and 'C' type — in New Delhi. 905.

**QUEEN MARY ZENANA GHAT—**

- Question re amount spent on the —, Pushkar. 378-79.

**QUEEN'S GARDEN—**

- Question re closing to the public of the Victoria Park in —, Delhi. 464.

**QUESTION(S)—**

- Suggestion by Mr. President that in order to get a complete answer from Government and for the convenience of every one concerned, it would be an excellent practice if Honourable Members, who refer the attention of Government to a particular newspaper article, always make it a practice to send a copy of that article to the Government along with the —. 1100-01.

**QUETTA—**

**Question re—**

- Expenditure incurred for conveyance of mails by the sub-postmaster, Staff College, —. 1664.
- Frauds committed in the — post office. 955.
- Grievances of the Muslim staff of the — Head Post Office. 199.
- Introduction of elective system in the — Municipality. 180.
- Officers and clerks in the Military Engineering Service, Western Command, —. 686.
- Professional representation in the Civil and Criminal Courts of —. 180-82.
- Club. 179-80, 1125-26.

**QUETTA—contd.**

**Question re—contd.**

- Recruitment of Garhwali Hindus in the — Head Post Office as packers and postmen. 954.
- Representation of Muslims in the clerical staff of the Military Engineering Service, Western Command, —. 686.
- Running of the Fruit Farm at — on commercial lines. 615-16.
- Transfer of certain men of the commercial staff employed in the — Division on the North Western Railway. 796.

**R**

**RACE(S)—**

- Question re prosecution of certain officials of the Central Telegraph Office, Calcutta, for divulging the contents of telegrams regarding —. 1365-66.

**RACE COURSE—**

- Question re permission to the Telegraph employees to work in the —. 1366.

**RACIAL DISCRIMINATION—**

**Question re—**

- in charging fares from passengers by the North Western Railway staff. 922.
- in the carriage of dogs by railway trains between Summer Hill and Simla. 913-14, 922-23.
- in the fixation of hospital charges in the Hindu Rao Hospital, Delhi. 355-56.
- in the Jamalpur Workshop, East Indian Railway. 544, 545.

**RACIAL RESTRICTIONS—**

- Question re — against Indians to buy land in Kenya. 1003.

**RAGHUBIR SINGH, RAI BAHADUR KUNWAR—**

- Hindu Temple Entry Disabilities Removal Bill—
- Motion to circulate. 229-31.

**Question re—**

- Dangerous condition of the city wall of Delhi. 629.
- Leave and pension of military employees invalidated during the Great War. 770-73.

- Question (Supplementary) re procession on the *Bkadas* Day in Shahdara, Delhi. 1459.

**Resolution re—**

- Proprietary rights of citizens in the land. 1131-32.
- Raising of duty on foreign cotton imports. 573-74.

**RAIL-ROAD CONFERENCE—**Question *re—*

— held at Simla. 600.

Representation of the travelling public at the — held at Simla. 1019-21.

**RAILWAY(S)—**

Assam Bengal—

Resolution *re* grievances of the travelling public on the —. 1164-69.

Bengal Nagpur—

Question *re—*

Amounts contributed by the — for the construction of the buildings of certain Indian schools. 1478.

Construction of quarters for teachers of — schools. 1479.

Bombay, Baroda and Central India —.

Question *re—*

Construction of the Narbada Bridge on the —. 379-80.

Construction of the new Narbada Bridge on the Bombay, Baroda and Central India Railway. 272.

Broach Jambusar—

Question *re* arrangements for lights in the compartments of the —. 434-35.

Company-managed—

Question *re—*

Government's share in —. 455-56.

Muslims and —. 1100.

Policy of Government towards — Schools. 1477-78.

Position of teachers in — schools. 1478-79.

East Indian—

Question *re—*

Action taken on the memorials of the employees of the — and Eastern Bengal — Presses. 1347.

Applications for leave by the guards on the —. 1838-39.

Appointment of Lillooah ex-apprentices as Ward-Keepers, etc., on the —. 380.

Appointment of qualified clerks as Sub-Heads on the —. 1356.

Appointment of trained ex-apprentices in the — Workshops, Lillooah. 564.

Case of one Mr. Bharthi, ex-Guard, —. 1336-38.

Certain posts in the Rates and Claims offices of the Commercial Department of the —. 1456-57.

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad, Division, —. 1460-61.

Communal composition of certain grades of services in the Accounts Department, —. 1853.

Consolidated allowance of Inspectors of Crews on the —. 292.

**RAILWAY(S)—*contd.***East Indian—*contd.*Question *re—contd*

Consolidated allowance of Travelling Ticket Inspectors and their Divisional Inspectors on the —. 1030.

Consolidated allowances paid on the —. 1352-53.

Continuance of the — Band at Jamalpur. 19.

Cut in the consolidated allowance of Travelling Ticket Examiners on the —. 1351-52.

Demotion of certain Inspectors of Crews. —. 292, 1749-50.

Derailment of the Punjab Mail in the Dinapore Division. —. 445-46.

Differential treatment of European Anglo-Indian and Indian Assistant Station Masters on the —. 633, 634.

Discharge of certain peons attached to Travelling Ticket Inspector section on the —. 1354.

Discharge orders passed in the Dinapore Division, —. 1338-39.

Discontinuance of the privilege of allowing free passes to the compositors of the — Press. 1344-45.

Distinction between the Oakgrove European School and other — Schools. 531.

Diversion of the — Punjab Mails from the main line to the Grand Chord. 33-34, 33b-38, 609.

Employment of two special squads of ticket examiners on the —. 744.

Experimental check over the Travelling Ticket Examiners' work on the —. 497-98.

Filling up of vacancies of Sub-Heads on the —. 1851.

Formation of squads for ticket checking on the —. 1360.

Governing bodies of the — schools for Indians. 1254-55.

Grant of compensatory allowance to Travelling Ticket Inspectors on the —. 1029-30.

Housing problem of the Indian employees of the — at Jamalpur. 16-18.

Introduction of new system of hours of rest on the —. 633.

Irregularities in charging salaries of the subordinates on the —. 1752.

Issue of passes to the teachers of the — Indian schools. 530-31. 775.

Mechanical ex-apprentices of the — Workshop, Lillooah. 560.

Melas held at places in the Moradabad Division. —. 1824.

Memorial from certain employees of the — and the Eastern Bengal — presses. 1343.

**RAILWAY(S)—*contd.*****East Indian—*contd.*****Question re—*contd.***

Memorial of the Inspectors of Crews —. 1750.

Muslim sub-Assistant Surgeons and Assistant Surgeons on the —. 1288.

Night duty of Assistant Station Masters on certain branch lines of the —. 633.

Non-recognition of services rendered during the Great War on the —. 690-91.

Non-treatment of Head Masters of the — Indian High Schools as Gazetted Officers. 529-30.

Overlooking of claims of trained Indians in the Jamalpur Workshop, —. 545.

Pay of guards on the —. 632.

Pay of Indian Assistant Station Masters on the —. 632.

Pay of Indian Station Masters on the —. 632.

Pay of train clerks, telephone clerks, etc., on the —. 632.

Pay of Travelling Ticket Examiners on the —. 632.

Periodical inspection of stations on the — by the Inspectors of Accounts. 380.

Position of compositors and binders after the amalgamation of the — and Eastern Bengal — presses. 1346-47.

Promotion of clerks in the — Accounts Department. 1054.

Promotion of Indian Assistant Station Masters as Guards in the Moradabad and Lucknow Divisions, —. 293.

Promotion of Indian Assistant Station Masters to the posts of Platform Assistants on the —. 465-66.

Promotions of the Old Oudh and Rohilkhand Railway staff to vacancies of the Old — staff. 465.

Proposal to check illicit travelling by use of *Lathis* on the —. 499.

Proposed removal of an ancient shrine at Azimganj by the — authorities. 366.

Provision of facilities of accused subordinates in departmental enquiries on the —. 1457-58.

Punishments given to the subordinates of the Moradabad Division, —. 796.

Purchase of certain machines by the — Press. 1342-43.

Purchase of time-recorder machines by the — Press. 1341-42.

**RAILWAY(S)—*contd.*****East Indian—*contd.*****Question re—*contd.***

Qualifications for appointment as Chief Claims Clerk in the office of the Deputy Chief Commercial Manager, —. 452.

Racial discrimination in the Jamalpur Workshop, —. 544, 545.

Railway accident near Mokameh on the —. 96-97.

Recruitment of guards in the Moradabad Division, —. 1850-51.

Recruitment of qualified clerks as Accountants in the — Accounts Department. 292.

Re-organisation of the Railway School at Chandausi, —. 466.

Resolutions passed by the employees of the — and Eastern Bengal — presses. 1345.

Rest for certain Station Masters on the East Indian Railway. 634.

Retrenchment in the — Press. 1339-41.

Retrenchments and reductions in the operative staff of the — Press. 1343-44.

Rules for determination of seniority of the subordinate staff on the —. 1457.

Rules for recruitment and training of subordinate staff on the —. 1751-52.

Salaries of — employees on the transfer of that Railway from Company-management. 1611.

Sale of waste paper in the — Press. 1342.

Seniority list maintained on the —. 1753.

Seniority list of staff in the Moradabad Division, —. 1849-50.

Seniority of — and Old Oudh and Rohilkund Railway Staff. 1350-51.

Status of teachers of the — Indian schools. 527-29, 773-75, 775-78. 891-93, 1253-54.

Stoppage of recruitment of apprentice Train Examiners for the Operating Department, —. 564.

Supersession of Indian Assistant Station Masters by European and Anglo-Indian Guards on the —. 632-33.

Supply of rule books to the — employees. 19.

Surrender of the post of Transportation Inspector, Commercial, on the —. 1753.

Suspension of certain subordinates of the Moradabad Division, —. 796.

Suspension of employees of the — accused of an offence under the Indian Penal Code but released on bail. 1456.

**RAILWAY(S)—*contd.*****East Indian—*contd.*****Question *re—contd.***

Trains running on the Grand Chord and main line of the — between Howrah and Moghalsarai. 609-10.

Uniforms supplied to the Assistant Station Masters on the —. 633.

Uniforms supplied to the Travelling Ticket Examiners on the —. 1480.

Use of an officers' carriage for joy rides under orders of the Divisional Superintendent, Moradabad Division, —. 1462.

Welfare scheme on the — and Eastern Bengal —. 1455-56.

Welfare schemes on the —. 1753.

Withdrawal of daily allowance of Inspectors of station accounts, etc., on the —. 1851.

**Eastern Bengal—****Question *re—***

Action taken on the memorials of the employees of the East Indian and — Presses. 1347.

Demotion and reduction in salaries of the industrial staff in the — Press.—1346.

Memorial from certain employees of the East Indian and the — presses. 1343.

Paints used by the — for painting their wagon. 1052.

Pay of compositors of the — Press. 1345.

Position of compositors and binders after the amalgamation of the East Indian and — presses. 1346-47.

Provision of facilities of accused subordinates in departmental enquiries on the —. 1458.

Resolutions passed by the employees of the East Indian and — presses 1345.

Retrenchment among the industrial staff of the — Press. 1345-46.

Running of special trains between Barsui and Kishanganj on the —. 631.

Staff of the — Press. 1344.

Supply of enamel purple brown to the — through the Indian Stores Department. 1053.

Welfare scheme on the East Indian and —. 1455-56.

**Great Indian Peninsula—****Question *re—***

Article in the *Bombay Chronicle* under the heading "— and workers". 1612.

Assistant Divisional Transportation Superintendent (Traction) on the —. 1858-59.

Breakdowns to the Electrical Multiple Unit equipment on the —. 1860-61.

**RAILWAY(S)—*contd.*****Great Indian Peninsula—*contd.*****Question *re—contd.***

Cable repair work on the Traction Department, —. 1860.

Communal composition of certain cadres on the —. 559.

Demotion of certain drivers of the —. 1479-80.

Electrification of the main line of the —. 1859.

— Traction Department. 1858.

Indents placed by the — with the Indian Stores Department. 202-207.

Indianisation in the Traction Department of the —. 690.

Permanent vacancies in certain departments of the —. 339-40.

Post of Superintending Foreman for the multiple units section of the Traction Department of the —. 690.

Promotion of subordinates in the Engineering Department of the —. 338.

Promotion of subordinates to Local Government Service in an officiating capacity on all State Railways except on the —. 340.

Purchase of cheap electric power in preference to its generation by the —. 689.

Recruitment of a Foreman in England for the Distribution Section of the Traction Department of the —. 690.

Removal of surplus posts in the Engineering Cadre of the —. 340.

Reservation of accommodation for ladies on the —. 769-70.

Staff of the Chola Power House, —. 1859.

Supply of electric power on the —. 1859-60.

Surplus posts in superior cadres on the —. 338-39.

**Indian—**

Question *re* reduction of freight rates on —. 1115-16.

**Kalka Simla—****Question *re—***

Derailment of a passenger train near Dharampur, —. 550.

Non-sale of monthly tickets at station booking offices on the —. 914.

Railway accident near Dharampur on the —. 94-95.

**Madras and Southern Mahratta—****Question *re—***

Discharge of employees of the —. 1116-17.

Discharge of — employees considered medically unfit for one class or group. 1115.

Discharge of Mr. G. Krishnamurthi, General Secretary of the — Employees' Union. 1116.

**RAILWAY(S)—*contd.***

Madras and Southern Mahratta—*contd.*

Question *re—contd.*

Freight on manures and fertilisers on the — and South Indian —. 1018-19.

Post of personnel officer on the —. 1116.

North Western—

Question *re—*

Abolition of the cadre of Travelling Ticket Examiners on the —. 731-732

Allowances of Travelling Ticket Examiners on the —. 734.

Amalgamation of clerical grades in the Audit Department, North Western Railway. 947-48.

Appointment of certain Ticket Collectors as Special Ticket Examiners in the Lahore Division of the —. 513-14.

Certificates of sickness produced by the — employees. 796.

Check of the work in connection with the issue of passes on the —. 688.

Clerks employed on work connected with hours of employment regulations on the —. 1674-75.

Communal composition of clerks in the Medical Department. —. 1286.

Communal composition of gazetted staff on the Multan Division of the —. 1106-07.

Communal composition of the staff in the Office of the Chief Medical and Health Officer. —. 1284-85.

Communal composition of the staff recruited by the Chief Medical Officer. —. 1283.

Confirmation of Assistant Controllers on the —. 381-82.

Confirmation of certain clerks on the —. 559-60.

Confirmations in the grade of Assistant Station Masters on the —. 1481.

Construction of a bridge on a canal between Moghalpara and Lahore on the —. 1008-10.

Crew system on the —. 729-30.

Denial of certain concessions to Travelling Ticket Examiners on the —. 733.

Deraiment of an engine and some bogies near Chinot. —. 1259.

Discharge of certain Hindu clerks from the office of the Chief Accounts Officer. —. 1668-70.

Discrimination in the distribution of quarters on the —. 1481-82.

Dismissal of one B. Ghulam Muhammad, a clerk in the Office of the Chief Medical Officer. —. 1287.

**RAILWAY(S)—*contd.***

North Western—*contd.*

Question *re—contd.*

Disproportion of certain appointments on the —. 276.

Duties of the Divisional Personnel Officers on the —. 1744-45.

Grievances of Muslims against the Medical Department of the —. 1285-84.

Group system of ticket checking on the —. 732.

Holiday homes maintained by the — at hill stations. 1658-59.

Memorial submitted by Assistant Way Inspectors, —, for modification in their condition of service. 1013-14.

Misuse of privilege passes by certain employees of the —. 1238.

Muslim draftsman retrenched from the Office of the Chief Engineer, Survey and Construction. —. 380.

Non-adoption of the Mody Ward Scheme of ticket checking on the —. 731.

— Divisional Personnel Officers' Conference. 731.

Number of certain Indian Officers on the —. 1480-81.

Organisation and control of the Travelling Ticket Examiners on the —. 729, 730-31, 732-33, 1111.

Pass section of the —. 1054.

Passes for dependents of employees of the —. 1482.

Paucity of Muslims in the Medical Department of the —. 515.

Placing of certain clerks on special duty in the office of the Agent, —. 49-50.

Post of Office Superintendent, Karachi Division —. 628-29.

Promotion of guards to the Assistant Station Masters' cadre in the Delhi Division of the —. 526-27.

Promotions of officers of the Transportation (Traffic) and Commercial Branches of the —. 950.

Qualifications of chargemen in the carriage and wagon shops, Moghalpara. 946.

Racial discrimination in charging fares from passengers by the — staff. 922.

Reckoning of seniority on the —. 1481.

Reduction of the grade of Head Special Ticket Examiner at Ferozepore. —. 1111.

Reduction of Travelling Ticket Examiners on the —. 733.

Re-employment of retrenched staff of the —. 1661-62.

Representation of Muslims in the Establishment Branch of the Office of the Chief Medical Officer. —. 1285-86.



**RAILWAY(S)—*contd.*****North Western—*contd.*****Question re—*contd.***

Reservation of Posts of Assistant Accounts Officers on the — for Accountants and Inspectors of Station Accounts. 558-59.

Retrenchment in the Chief Accounts Office of the —. 559

Selection of Journeymen for the — Workshops, Mughalpurā 734-35.

Sindhi and Non-Sindhi clerks in the late Construction Office, —. 1675.

Sindhi Hindus discharged from the Office of the Chief Engineer, Survey and Construction, —. 380

Special and Travelling Ticket Examiners on the —. 731.

Stoppage of express trains at Khatauli; —. 1282-83, 1376.

Supercessions on the —. 1288.

Suspension and discharge of certain chargemen in the carriage and wagon shops, Mughalpurā, —. 946-47

Ticket checking schemes on the —. 1110.

Transfer of certain men of the commercial staff employed in the Quetta Division on the —. 796.

Victimisation of Muslims in the Office of the Chief Medical Officer —. 1286-87.

**Oudh and Rohilkhand—****Question re—*contd.***

Promotions of the old — staff to vacancies of the Old East Indian Railway staff. 465.

Seniority of East Indian Railway and old — staff. 1350-51.

**Question re —**

Claims of the Posts and Telegraphs Department against the —. 617.

Consultation with the local Advisory Committees on different — in fixing rates for eatables and aerated water. 273-76.

Discrimination against Asiatic staff in the Tanganyika —. 1004-05.

Level crossing on either side of the — station at Unao. 464-65.

Non-posting of unqualified guards as Assistant Station Masters on Indian —. 1675-76.

Preparation of rolling stock programme of —. 618-19.

Provision of fans in third class carriages on —. 1114.

Racial discrimination in the carriage of dogs by — trains between Summer Hill and Simla. 913-14.

Re-appointment of retrenched staff of — in the inverse order of their discharge. 292.

**RAILWAY(S)—*contd.*****Question re—*contd.***

Re-introduction of the coupon system on the —. 1758.

Restriction of raisings of collieries owned by —. 1043.

Retrenchment of — employees. 1174.

Salaries of East Indian — employees on the transfer of that — from Company-management. 1611.

Separation of the different cadres of each —. 340-41.

Suggestions for economy on the —. 113-14.

Ticket frauds on —. 1353-54.

**Rohilkhand and Kumaon—****Question re—**

Abolition of the post of District Medical Officer on the —. 755.

Construction of platforms and over-bridges at Mailan; and Bhojpurā stations on the —. 758.

Duty of Assistant Station Masters at roadside stations on the —. 755-56.

Educational grants given by the —. 756.

Grievances of the employees of the —. 755.

Half pay given to the — employees on sick list. 755.

Non reservation of a compartment for ladies in the Light trains running between Bareilly Junction and Pilibhit on the — 1106.

Posting of European ex-soldiers with no knowledge of Railway working on the —. 756.

Purchase of the —. 757.

Railway accident at Mala. —. 756.

Refusal by the — to supply electric powers to Indian employees. 757.

Rest house at certain stations on the —. 757.

Tenders for catering on the —. 756.

**South Indian—****Question re—**

Freight on manures and fertilisers on the Madras and Southern Mahratta and —. 1018-19

Introduction of intermediate class accommodation on the —. 1114.

**State—****Question re—**

Application of the new — Leave Rules to the Accounts staff. 1355-56.

Beggars on the station platforms of —. 252.

Communal composition of District Medical Officers on —. 1284.

**RAILWAY(S)—contd.**

**State—contd.**

**Question re—contd.**

Examination for recruitment of Auditors in the Subordinate Railway Audit Service and clerks in the offices of the Chief Auditors and —, 1014-16, 1612.

Facilities given to Muslim employees of the — to perform Idul-Zuha and Idul-Fitr prayers, 544.

Fares of different classes on —, 435-36.

Mr. Smith's report on the — Schools, 527.

Promotion of subordinates to Local Government Service in an officiating capacity on all — except on the Great Indian Peninsula Railway, 340.

Rules governing departmental enquiries on —, 1458.

Selection of special class apprentices for the superior Revenue Establishment of —, 1112.

**RAILWAY ACCIDENT—**

• Question re — at Mala, Rohilkund and Kumaon Railway, 756.

**RAILWAY ACCOUNTS—**

Question re allegations against a clerk in the Office of the Controller of —, 178-79.

**RAILWAY ADMINISTRATIONS—**

Question re unions recognised by the principal —, 564.

**RAILWAY ADVISORY COMMITTEES—**

See "Advisory Committee(s)".

**RAILWAY AUDIT SERVICE—**

Question re examination for recruitment of Auditors in the subordinate — and clerks in the offices of the Chief Auditors and State Railways, 1014-16, 1612.

See also "Audit Service(s)".

**RAILWAY BOARD—**

Demand for Excess Grant, 1230.

**Question re—**

Age of compulsory retirement in —'s Office, 1045-46.

Formation of the Statutory — in India, 624.

Qualifications of Members nominated to the Reserve Bank and Statutory — Committees, 194-96.

Retrenchment of staff in the —'s Office, 1099-1100.

Success of a non-matriculate temporary clerk of the —'s Office in the Public Service Commission stenographers' examination, 1098-99.

**RAILWAY BOARD—contd.**

**Question re—contd.**

Waiting list of retrenched personnel in —'s Office, 1046.

Withholding of appeals addressed to the —, 1611-12.

**RAILWAY CLEARING ACCOUNTS OFFICE—**

**Question re—**

Inequality in the distribution of higher posts in the —, 1109-10.

Retrenchment in the —, Delhi, 1054.

**RAILWAY EMPLOYEE(S)—**

**Question re—**

Payment of premia on insurance policies from the Provident Fund by —, 765.

Permission to — to pay their insurance premia from the Provident Fund, 752.

See also "Employee(s)".

**RAILWAY FREIGHT—**

Question re lower scale of — on coal from Pench and Chanda Valley collieries, 1044.

**RAILWAY MAIL SERVICE—**

**Question re—**

Alleged injustice to Muslims in the —, Allahabad, 1100-01.

Amalgamation and separation of the cadres of Inspectors of — and Inspectors of Post Offices, 955.

Hours of duty of — sorters, 1446.

Recruitment of members of minority communities in the Post Offices and — in the Bombay Presidency, 1472-73.

Retrenchment of Hindus in certain — Division(s), 1380-81.

**RAILWAY OFFICER(S)—**

See "Officer(s)".

**RAILWAY OFFICIAL(S)—**

Question re allegations against a — of the Dinapore Division, 465.

**RAILWAY PASS(ES)—**

See "Pass(es)".

**RAILWAY SCHOOL(S)—**

See "School(s)".

**RAILWAY SCHOOL OF TRANSPORTATION—**

**Question re—**

Issue of duty passes for his private servant by the Superintendent, Railway School of Transportation, Chaudausi, 1461-62.

Retrenchment of Anglo Indians by the Superintendent, —, Chaudausi, 1480.

**RAILWAY SERVICES—***See* "Service(s)".**RAILWAY SIGNALS—**Question *re* light of —. 114.**RAILWAY STAFF—**Question *re* duties performed by the — during *melas* at Garhmuktesar, Hardwar and Roorkee. 1462.*See* also "Staff(s)".**RAILWAY STATION(S)—**Question *re* management of the Hindu Refreshment Room at Lahore —. 1010-13.*See* also "Station(s)".**RAILWAY SUBORDINATES—***See* "Subordinate(s)".**RAILWAY TRAIN(S)—***See* "Train(s)".**RAILWAY WORKSHOP—***See* "Workshop(s)".**RAILWAYS (AMENDMENT) BILL—***See* "Indian —" under "Bill(s)".**RAINFALL—**Question *re* damage due to excessive — to certain articles in the Council House Building in New Delhi. 514-15.**RAISES—**Question *re* area of land in New Delhi reserved for allotment to Diwans and —. 1125.**RAISMAN, MR. A.—**

Indian Merchant Shipping (Second Amendment) Bill—

Motion to refer to Select Committee. 61.

Motion to pass. 1557.

**RAJAH, RAO BAHADUR M. C.—**

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 218, 224-29

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 152, 153.Question *re*—

Appointment of doctors and opening of a dispensary in New Delhi. 1678-79.

Arrangements for medical treatment of Indian clerks in New Delhi. 1755.

Construction of quarters in New Delhi. 1756.

Discharge of certain Hindu clerks from the office of the Chief Accounts Officer, North Western Railway. 1668-70.

**RAJAH, RAO BAHADUR M. C.—**  
*contd.*Question *re*—*contd.*

Electric light in "D" type quarters in New Delhi. 1755-56.

Government of India Departments with no Sikhs, Indian Christians, Depressed Classes and Parsis. 1596.

House rent allowance granted to the Government of India staff in New Delhi. 1757.

Introduction of leave reserve and new scales of pay in the Government of India offices. 1678.

Liquidation of the Indarprasth Stores, Delhi. 1756.

Location of certain attached offices in New Delhi. 1681.

New pension rules of the Government of India. 1757.

New scales of pay for Army Headquarters staff. 1632.

Objectionable advertisements in newspapers. 630.

Occupation of quarters in New Delhi by the staff of the Government of India after they become out of class. 1681.

Ratio of the number of Superintendents to Assistants and clerks in the Government of India Offices. 1680.

Recruitment of Indians to the Indian Air Force. 1676-77.

Revised edition of the "Moore's Family Medicine". 1678.

Shops on Baird Road, New Delhi. 1757.

Untouchability Abolition Bill—

Motion to refer to Select Committee. 992, 993-94.

**RAJAHMUNDRY—**Question *re*—

Application for transfer from the — Jail of State Prisoners Messrs. Surendra Mohan Ghosh and Jivan Lal Chatterjee. 517-18

Bengali State Prisoners confined in the — Jail. 1605-06.

Illness of certain State Prisoners detained in the — Central Jail. 516.

Present state of health of Benoyendra Nath Roy Chaudhury, a State Prisoner in the — Jail. 920.

**RAJAN BAKHSH SHAH, KHAN BAHADUR MAKHDUM SYED—**Question *re*—

Alleged grievances against the Municipal Committee, Ajmer. 377-78.

**RAJAN BAKHSH SHAH, KHAN  
BAHADUR MAKHDUM SYED—  
contd.**

Question *re—contd.*

Appointment of an Executive Officer  
in the Municipal Committee,  
Ajmer. 378.

Non-payment of the salaries of some  
sweepers of the Municipal Com-  
mittee, Ajmer. 378.

**RAJPUTANA—**

Question *re—*

Secretary to the Board of High  
School and Intermediate Educa-  
tion, — and Central India. 291.

Transfer of the Assistant Superin-  
tendent of Archaeology, Central  
India and —, to some other Circle.  
1857.

**RAJSHAHI DIVISION—**

Question *re* suicide committed by a  
postal official of the —. 955.

**RAMAKRISHNA, MR. V.—**

Oath of Office. 1.

**RAMJAS COLLEGE—**

Question *re* suspension of a candidate  
from the Intermediate examina-  
tion by the Superintendent, —,  
Centre, Delhi. 736-37.

**RANGA IYER, MR. C. S.—**

Cotton Textile Industry Protection  
(Second Amendment) Bill—  
Motion to consider. 1059-60.

Demand for Supplementary Grant in  
respect of Civil Aviation. 1902-  
03.

Expressions of regret on the assassina-  
tion of Mr. Burge, District  
Magistrate of Midnapore. 779.

Expressions of regret on the death  
of—

Mr. B. N. Misra. 1862.

Mrs. Annie Besant. 1918.

Indian "Khaddar" (Name Protection)  
Bill—

Motion to refer to Select Committee.  
977-79.

Indian Railways (Amendment) Bill—  
Consideration of clause 2. 488.

Indian States (Protection) Bill—  
Motions to refer to Select Com-  
mittee and to circulate. 1189-92,  
1193-95, 1202.

Motion for Adjournment *re* alleged  
scurrilous article in the *Daily  
Gazette re* Mahatma Gandhi.  
1424, 1436-37.

Motion *re* future Administration of  
Aden. 1727, 1798-1800.

**RANGA IYER, MR. C. S.—contd.**

Murshidabad Estate Administration  
Bill—

Motions to consider and to refer to  
Select Committee. 728.

Question (Supplementary) *re* admis-  
sion fee for the examination for  
recruitment of Assistants and  
clerks in the Government of India  
Secretariat and Attached Offices.  
462.

Reserve Bank of India Bill—

Motions to refer to Joint Com-  
mittee and to circulate. 1407,  
1513-16, 1521, 1522.

Resolution *re* raising of duty on  
foreign cotton imports. 568-69.

**RANGOON—**

Question *re—*

Insulting treatment meted out to  
deck passengers at the time of  
their vaccination at —. 186-90.

Sufferings of deck passengers com-  
ing from — to Calcutta due to  
overcrowding. 426.

**RASH DRIVING—**

Question *re* casualties due to — in,  
New Delhi and Delhi City. 39.

**RASTOGI, MR. BADRILAL—**

Election of — to the Select Committee  
on the Amendment of Standing  
Orders. 783.

Question *re—*

Diversion of the East Indian Rail-  
way Punjab Mails from the main  
line to the Grand Chord. 609.

Gold exported from India since  
England went off the gold  
standard. 611.

Introduction of a new pattern of  
five-rupee note. 610-11.

Silver bars left in stock with the  
Government of India after pay-  
ment of the same to America as  
a War debt. 611.

Trains running on the Grand Chord  
and main line of the East Indian  
Railway between Howrah and  
Moghalsara. 609-10.

**RATE(S)—**

Question *re—*

Consultation with the Local  
Advisory Committees on different  
Railways in fixing — for eatables  
and aerated water. 273-76

Maintenance of a uniform — for  
retail sale of country liquor in  
Delhi. 502-03.

**RATES OFFICE—**

Question *re* certain posts in the —  
office of the Commercial Depart-  
ment of the East Indian Railway.  
1456-47.

**RATIO—**

Question *re* — of Bengal and Punjab Muslims to the Muslim population of India. 919.

**RATNA PRAKASHI, MR.—**

Question *re* externment of one — from Delhi. 1378-79.

**RAU, MR. P. R.—**

Consideration of the Report of the Public Accounts Committee, 1922, 1923, 1924.

**RAWALPINDI—**

Question *re*—

Raising the status of the Dhooria Post Office in the — Division. 1689-90.

Retrenchment of Accountants from the Military Accounts Department, —. 30-32, 34.

Suits instituted by Government for the declaration of their proprietary rights in respect of certain sites and bungalows in the — Cantonment. 1470-71.

**READING ROOM(S)—**

Question *re* — Association of an Indian Railway school at Jamalpur. 1385-86.

**REBELLION(S)—**

Question *re* Moplahs convicted of offences connected with the Malabar — in jails and in the Andamans. 634.

**RECOMMENDATION(S)—**

Question *re*—

Action taken on certain — of the Drugs Enquiry Committee Report. 106.

Action taken on the — contained in Mr. K. M. Hassan's report. 455.

Recommendations of the Haj Enquiry Committee. 615.

Resolution *re* draft Convention and — concerning the age for admission of children to non-industrial employment. 1885-96.

**RECORD(S)—**

Question *re* Supervisor of — of the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.

**RECORDS SUPPLIER(S)—**

Question *re* clerical duties done by the — in the Central Publication Branch. 1477.

**RECRUITMENT(S)—**

Question *re*—

Declaration of Hindu Community as Minority community for — in the Punjab and North-West Frontier Postal Circle. 1666.

Examination for — of Auditors in the Subordinate Railway Audit Service and clerks in the offices of the Chief Auditors and State Railways. 1014-16, 1612.

Examination for — of new hands in the Wireless Telegraph Department. 524-26.

Examination for — of postal clerks. 37.

Examination for — to the Indian Army Service Corps. 764-65.

Examination for the — of lower division clerks held at the Benares City Post Office. 956.

Non- — of Muslim clerks in the office of the Divisional Engineer, Telegraphs, New Delhi. 955-56.

Non- — of retrenched hands of the Survey of India Department. 945.

Procedure for — of engineering supervisors in the Posts and Telegraphs Department. 1665.

Promotions and — of officers in the Survey of India Department. 614.

— made in the Central Publication Branch. 1476.

— of a Foreman in England for the Distribution Section of the Traction Department of the Great Indian Peninsula Railway. 690.

— of Garhwali Hindus in the Quetta Head Post Office as packers and postmen. 954.

— of Indians to the Indian Air Force. 1676-77.

— of members of minority communities in the Post Offices and Railway Mail Service in the Bombay Presidency. 1472-73.

— of ministerial staff of the Government of India Secretariat and attached offices. 930-34.

— of Muslim employees in the Government Forms Press, Aligarh. 1289.

— of Muslims in the Calcutta Port Trust. 548-49, 1766-67.

— of qualified clerks as Accountants in the East Indian Railway Accounts Department. 292.

— of Sikhs in the Income-tax Department, Punjab and North-West Frontier Province. 507-08.

— of Sikhs in the office of the Income-tax Commissioner, Punjab and North-West Frontier Province. 507.

**RECRUITMENT(S)—*contd.***

Question *re—contd.*

- of staff in the Calcutta Port Trust. 1767.
- of staff on daily wages basis in the Central Publication Branch. 897-99.
- of the ministerial establishment of the Contracts Directorate, Army Headquarters. 34-36.
- to the Subordinate Accounts Service. 375-76.
- Rules for — and training of subordinate staff on the East Indian Railway. 1751-52.
- Rules for — of Indians to the Indian Army Veterinary Corps. 364-65.
- Rules of examination for — to the superior commercial and transportation services. 1676.
- Stoppage of — of apprentice Train Examiners for the Operating Department, East Indian Railway. 564.

**RECRUITMENT RULES—**

*See* "Rule(s)"

**RED SEAL BRAND METAL POLISH—**

- Question *re* test of — and silver polish by the Alipore Test House. 1039-40.

**REDDI, MR. T. N. RAMAKRISHNA—**

Expressions of regret on the death of Mrs. Annie Besant. 1918-19.

**Factories Bill—**

Motion to refer to Select Committee. 1630.

**Imperial Bank of India (Amendment) Bill—**

Motion to refer to Joint Committee. 1542-45, 1550, 1551.

**Indian Railways (Amendment) Bill—**

Motions to consider to re-circulate and to recommit to Select Committee. 298, 305-13, 472.

Consideration of clause 2. 487-88, 489, 693-95, 700-01.

Motion to pass. 706-07.

**Indian States (Protection) Bill—**

Motions to refer to Select Committee and to circulate. 1193.

Point of order raised by — as to whether two separate and independent things can be coupled in one and the same motion in connection with the discussion of the report of the Public Accounts Committee, as the first part of the motion in the particular case is with regard to the consideration of the Report of the Public Accounts Committee of 1930-31, and the second part is a demand for grant of a certain expenditure. 1913.

**REDDI, MR. T. N. RAMAKRISHNA—*contd.***

Question *re—*

Assistant Divisional Transportation Superintendent (Traction) on the Great Indian Peninsula Railway. 1858-59.

Breakdowns to the Electrical Multiple Unit equipment on the Great Indian Peninsula Railway. 1860-61.

Cable repair work on the Traction Department, Great Indian Peninsula Railway. 1860.

Electrification of the main line of the Great Indian Peninsula Railway. 1859.

Great Indian Peninsula Railway Traction Department. 1858.

Revision of the timings of the Grand Trunk Express between Madras and Delhi. 1829.

Staff of the Chola Power House, Great Indian Peninsula Railway. 1859.

Supply of electric power on the Great Indian Peninsula Railway. 1859-60.

Question (Supplementary) *re—*

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 462.

Boycott of Indian cotton by Japan. 256.

**Reserve Bank of India Bill—**

Motion to refer to Joint Committee and to circulate. 1394-96, 1397-1400, 1401-02, 1530.

Resolution *re—*

Raising of duty on foreign cotton imports. 570-73.

Renavment of half currency notes. 583-86, 593.

**REDUCTION(S)—**

Question *re—*

Demotion and — in salaries of the industrial staff in the Eastern Bengal Railway Press. 1346.

Retrenchments and — in the operative staff of the East Indian Railway Press. 1343-44.

**REFORMS—**

Question *re* committees formed in connection with constitutional —. 1445-46.

**REFRESHMENT ROOM—**

Question *re* management of the Hindu — at Lahore Railway station. 1010-13.

**REFUNDS—**

Demand for Excess Grant. 1229.

**Question re—**

Payment of — to Income-tax assesses. 278-79.

— of fees to certain candidates not permitted to appear at the Ministerial Service Examination of the Public Service Commission. 1354-55.

**REGIMENT—**

Question re entry of some soldiers of the Dorsetshire — into the Dacca University Central Building with fixed bayonets. 787.

**REGISTRATION—**

**Question re—**

Applications for — of firms received by the Income-tax Officer in Karachi. 1044.

— of the Cordite Factory Labour Union, Aravankadu. 1742-43.

**REGULATION(S)—**

**Question re—**

Clerks employed on work connected with hours of employment — on the North Western Railway. 1674-75.

Moplahs detained under — III and the Moplah Outrages Act. 634-35.

Moplahs wanted by police under — III and the Moplah Outrages Act. 634.

**RELATIVE(S)—**

**Question re—**

Interview with political prisoners in the Andamans by their —. 363-64.

Intimation of the deaths of prisoners in the Andamans to their —. 1604.

Rejection of applications for appointments from the sons and — of postal officials of the Calcutta General Post Office. 1386.

**RELEASE(S)—**

**Question re—**

— of Khan Abdul Ghaffar Khan. 1036.

— of Mahatma Gandhi. 11-12.

— of members of the Working Committee of the Jamiat-ul-Ulema-i-Hind. 1350.

— of persons detained in jails for indefinite periods. 1455.

— of workers of the Jamiat-ul-Ulema-i-Hind, Delhi. 1659.

**Resolution re — of Mr. Gandhi, Mufti Kifaetullah and other political prisoners. 566.**

**RELIEF FUND—**

See "Fund(s)".

**REMOVAL OF DOUBTS ABOUT THE APPLICATION OF THE DOCTRINE OF REPRESENTATION, IN CASE OF SUCCESSION TO STRIDHAN UNDER THE DAYABHAG BILL—**

See "Bill(s)".

**RENT—**

Question re — of Government quarters paid by the staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 1053-54.

**RE-ORGANISATION—**

Question re — of the Railway School at Chandausi, East Indian Railway. 466.

**REPAIR(S)—**

Question re cable — work on the Traction Department, Great Indian Peninsula Railway. 1860.

**REPAYMENT(S)—**

Question re — of 4 per cent. Conversion Loan. 253.

**REPLACEMENT(S)—**

Question re — of selection grade Town Inspectors of Post Offices at Calcutta by time-scale men. 1387.

**REPORT(S)—**

Consideration of the — of the Public Accounts Committee. 1908-15, 1920-27.

Presentation of the — of the Public Accounts Committee. 797-839.

**Question re—**

Action taken on certain recommendations of the Drugs Enquiry Committee —. 106.

Action taken on the recommendations contained in Mr. K. M. Hassan's —. 455.

Annual Administration — of the Lahore Cantonment Board. 512.

Confidential — submitted by the Haj Enquiry Committee. 739-40.

Delay in the issue of the — of Local Railway Advisory Committees. 1827-28.

Minute of dissent of Sir Purshotamdas Thakurdas on the — of the London Committee on the Indian Reserve Bank. 1690-92.

Mr. Smith's — on the State Railways Schools. 527.

— of Mr. I. M. Pekham, United States Attorney, about the *Ghadur* party magazine. 457.

— of the enquiry about the leave rules. 535.

— of the Pope Enquiry Committee. 1364-65.

**REPORT(S)—contd.**

**Question re—**

- of the Tariff Board on glass industry. 1387-88.
- of the Varma Committee. 1367.

**REPRESENTATION—**

**Question re—**

- Professional** — in the Civil and Criminal Courts of Quetta. 180-82.
- for the postponement of the Autumn Session of the Legislative Assembly. 1589.
- made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the Andamans. 1600-01.
- of minority communities in the offices of the Accountant-General, Posts and Telegraphs. 200.
- of minority communities in the Zoological Survey of India. 1747-48.
- of Muslims in the Establishment Branch of the Office of the Chief Medical Officer, North Western Railway. 1285-86.
- of the Government of India at the International Wheat Conference. 1258-59.
- of the travelling public at the Rail-Road Conference held at Simla. 1019-21.
- to Government of Mr. Aziz Hindi, a State Prisoner. 1455.

**REPRESENTATIVE(S)—**

**Question re —**

- of the All-India Muslim League for giving evidence before the Joint Parliamentary Committee. 343-44.
- of India at the World Economic Conference in London. 253-55.

**RESEARCH FUND ASSOCIATION—**

- Question re** Indian — work done by the Assistant-in-Charge of the Public Health section of the office of the Director General, Indian Medical Service. 948-49.

**RESEARCH SIDE—**

- Question re** staff employed on the "—" of the Imperial Council of Agricultural Research. 1763-64.

**RESEARCH WORK—**

- Question re** — on behalf of the Imperial Council of Agricultural Research done at Agra. 1762.

**RESERVATION—**

- Motion for Adjournment re** — of appointments for minority communities. 37-38.

**RESERVATION—contd.**

**Question re—**

- of accommodation for ladies on the Great Indian Peninsula Railway. 769-70.
- of posts of Assistant Accounts Officers on the North Western Railway for Accountants and Inspectors of Station Accounts. 558-59.
- of the Imperial coasting trade to British ships. 1263-64.

**RESERVE(S) —**

**Question re—**

- Gold and silver — in India. 448-49.
- Gold bullion in — in the Currency. 601.
- Re-payment of War Debts by England out of the silver — transhipped from India. 277-78.
- Silver bullion in — in the Currency. 602.

**RESERVE BANK—**

**Question re—**

- Establishment of the proposed — in India. 737.
- Minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian —. 1690-92.

**RESERVE BANK COMMITTEE—**

- Question re** qualifications of Members nominated to the — and Statutory Railway Board Committee. 194-96.

**RESERVE BANK OF INDIA BILL—**  
See "Bill(s)".

**RESERVE FUND (RAILWAYS),**  
**APPROPRIATION FROM THE—.**  
Demand for Excess Grant. 1231.

**RESERVIST(S) —**

- Question re** excess in expenditure under "pay and allowances" of —. 606-07.

**RESIDENTS—**

- Motion for Adjournment re** expulsion order passed by the Commissioner on some — of the Phulra State. 1225.

**RESOLUTION(S)—**

**Question re—**

- passed by the employees of the East Indian and Eastern Bengal Railway presses. 1345.
- passed by the Indian National Congress held in Calcutta. 19-20.
- passed by the Provincial Conference of the Transvaal Indian Congress held at Johannesburg. 449-50.



**RESOLUTION(S)—*contd.****—re—*

Admissions to the Military Academy. 1151-63.

Amendment of Rule relating to the constitution of the Committee on Public Accounts. 1896-97.

Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1885-96.

Grievances of the travelling public on the Assam Bengal Railway. 1164-69.

Proprietary rights of citizens in the land. 1126-51.

Raising of duty on foreign cotton imports. 566-79.

Release of Mr. Gandhi, Mufti Kifayatullah and other political prisoners. 566.

Repayment of half currency notes. 579-97.

**REST—**

Question *re* — for certain Station Masters on the East Indian Railway. 634.

**REST HOUSES—**

Question *re* — at certain stations on the Rohilkund and Kumaon Railway. 757.

**RESTAURANT(S)—**

Question *re* provision of an orthodox — at Cawnpore Central Station. 1758.

**RESTRICTION(S)—***Question re—*

— in Burma and Bengal for German automatic repeatent alarm pistols. 685.

— on the possession of swords. 436-38.

**RETAIL SALE—**

Question *re* maintenance of a uniform rate for — of country liquor in Delhi. 502-03.

**RETIREMENT(S)—***Question re—*

Age of compulsory — in Railway Board's Office. 1045-46.

— in certain grades in the Posts and Telegraphs Department. 1852-53.

— of officials having thirty years' service in Postal Circle offices. 1029.

— of superannuated men from Government Service. 1839-40.

Voluntary — of Muslim employees of the Calcutta Port Trust. 549, 1767.

**RETRENCHED HAND(S)—**

Question *re* non-recruitment of — of the Survey of India Department. 945.

**RETRENCHED PERSONNEL—***See "Personnel".***RETRENCHED STAFF—**

Question *re* grant of benefit of enjoying the old scales of pay to the — of the Government of India Secretariat on re-employment. 758.

*See also "Staff(s)".***RETRENCHMENT(S)—***Question re—*

Economy and — in the Calcutta Port Trust. 1833, 1834-35.

— among the industrial staff of the Eastern Bengal Railway Press. 1345-46.

— and reductions in the operative staff of the East Indian Railway Press. 1343-44.

— in the Amritsar Head Post Office. 199.

— in the Archæological Department. 1855-56.

— in the Calcutta Port Trust. 625-26.

— in the Chief Accounts Office of the North Western Railway. 559.

— in the East Indian Railway Press. 1339-41.

— in the Income-tax Department, Bengal. 1454-55.

— in the Railway Clearing Accounts Office, Delhi. 1054.

— in the Survey of India Department. 742-43, 942-45, 1339.

— in the Telegraph Traffic and Telegraph Engineering Branches of the Telegraph Department. 953.

— in the United Provinces Postal Circle. 1028-29, 1372-73.

— of Accountants from the Military Accounts Department, Rawalpindi. 30-32, 34.

— of Anglo-Indians by the Superintendent, Railway School of Transportation, Chandausi. 1480.

— of certain postal officials in each Postal Circle. 541-42.

— of head postmen in each Postal Circle. 541.

— of Hindus in certain Railway Mail Service Divisions. 1380-81.

— of Hindus in the Punjab and North-West Frontier Postal Circle. 1380.

— of Income-tax Officers in Bihar and Orissa. 40.

— of Indians employed in the office of the High Commissioner for India. 1015-16.

**RETRENCHMENT(S)—*contd.***

**Question *re—contd.***

- of inferior servants in each Postal Circle. 542.
- of railway employees. 1174.
- of staff in the Calcutta Port Trust. 549.
- of staff in the Railway Board's Office. 1099-1100.
- Saving effected by — of seven officers in the Income-tax Department, Bengal. 1454.
- Saving effected by — of staff in each Postal Circle. 542.

**REVENUE(S)—**

**Question *re—***

- Expenditure on the Chamber of Princes from the Indian —. 190-01.
- earned at the docks by the Calcutta Port Trust. 626-28.

**REVENUE ESTABLISHMENT—**

- Question *re* selection of special class apprentices for the Superior — of State Railways. 1112.

**REVISION—**

- Question *re* proposed — of the terms of the Ottawa Agreement. 1334-36.

**REVOLUTION—**

- Question *re* prohibition of the importation into India of Trotsky's History of the Russian —. 95.

**REVOLUTIONARY ACTIVITIES—**

- Question *re* arrests and detention in connection with alleged — in the Delhi Province. 270-71.

**RICE—**

- Question *re—*
- Export duty on —. 417.
- Export of Bihar —. 688.

**RIDGE—**

- Question *re* school buildings on the — at New Delhi. 1261-62.

**RIPON HOSPITAL—**

- Question *re—*
- Anaesthetist in the —, Simla. 930.
- Civil Surgeon in charge of — in Simla. 355.
- Fees charged for operations performed in the —, Simla, on the dependants of Government servants. 353-54.

**ROAD(S)—**

**Question *re—***

- Amount received from the enhanced petrol tax for — purposes. 1348-49.

**ROAD(S)—*contd.***

**Question *re—contd.***

- Bad condition of — in India. 767-68.
- Construction of a — from Delhi to village Basti Chiragh. 557.
- Contemplated laying out of a new — in Secunderabad. 687-88.
- Free supply of water to the Lahore Cantonment Board for watering —. 511.
- Rail — Conference held at Simla. 600.
- Shops on Baird —, New Delhi. 1108-09.
- Transfer of certain — from the Military Engineering Services to the Lahore Cantonment Board. 511-12.

**ROADSIDE STATIONS—**

- Question *re* duty of Assistant Station Masters at — on the Rohilkund and Kumaon Railway. 755-56.

**ROHILKUND AND KUMAON RAILWAY—**

- See "Railway(s)".

**ROHTAK DIVISION—**

- Question *re* allegations against the Superintendent of Post Offices, —. 1382-83.

**ROLLING STOCK—**

- Question *re* preparation of — programme of Railways. 618-19.

**ROORKEE—**

- Question *re* duties performed by the Railway staff during *melas* at Garhmuktesar, Hardwar and —. 1462.

**ROSS INSTITUTE—**

- Question *re* payment made to the Indian Branch of the —. 1258.

**ROY, BIREN—**

- Question *re* condition of the health of Mukul Ranjan Sen and —, political prisoners in the Andamans. 360-61.

**ROY (HOWDHURY), MR. BENOY ENDRA NATH—**

- Question *re—*
- Illness of Messrs. — and Jivan Lal Chatterjee. 518.
- Present state of health of —, State Prisoner in the Rajahmundry Jail. 920.

**ROY, KUMAR G. R.—**

- Resolution *re* grievances of the travelling public on the Assam Bengal Railway. 1164-69.

**ROY, MR. MAHENDRA NATH—**

Question *re* petition for the transfer of  
— from the Deoli Detention Camp  
to Calcutta. 921.

**ROY, RAI RAHADUR SUKHRAJ—**

Question *re*—

Bad condition of roads in India.  
767-68.

Bombing of tribal area on the North-  
West Frontier. 769.

Facilities to Mahatma Gandhi for  
uplift of Harijans. 768-69.

Import of motor cars designed to  
run without petrol from Japan.  
1356.

Running of dining cars for Indian  
passengers in mail and express  
trains. 768.

**ROYAL AIR FORCE—**

Question *re*—

All-India — examination. 1747.

Formation of an Indian Force wing  
of the —. 1482-83.

**ROYAL FAMILY—**

Question *re*—

Genealogical table of the Delhi  
— prepared by the Chief Com-  
missioner of Delhi. 41-47.

Pension aid to the Delhi —. 48.

**ROYAL INDIAN MILITARY COL-  
LEGE—**

Question *re* teaching staff of the —,  
Dehra Dun. 1373-75.

**RUBBER HOSE—**

Question *re* import of — into British  
India. 1017-18.

**RULE(S)—**

Question *re*—

Amendment of leave — as recom-  
mended by the Incheapo Com-  
mittee. 616.

Application of the Factory — to  
the Currency Note Press, Nasik.  
786-87.

Application of the new State Rail-  
way Leave — to the Accounts staff.  
1355-56.

Modification of recruitment — of  
the Government of India Secre-  
tariat staff. 1750-51.

New pension — of the Government  
of India. 1757.

— for determination of seniority of  
the subordinate staff on the East  
Indian Railway. 1457.

— for recognition of Government  
servants' organisations. 1370.

— for recruitment and training of  
subordinate staff on the East  
Indian Railway. 1751-52.

**RULE(S)—*contd.***

Question *re*—*contd.*

— for recruitment of Indians to  
the Indian Army Veterinary Corps.  
364-65.

— for suing Government for breach  
of trust in respect of service  
conditions, etc. 1658.

— governing departmental enquiries  
on State Railways. 1458.

— of examination for recruitment  
to the superior commercial and  
transportation services. 1676.

— of hospitals under the adminis-  
tration of the Government of  
India. 356.

Resolution *re* amendment of — relat-  
ing to the constitution of the  
Committee on Public Accounts.  
1896-97.

**RULE BOOKS—**

Question *re* supply of — to the East  
Indian Railway employees. 19.

**RULER(S)—**

Question *re* transfer of the control of  
the Badrinath Temple to the —  
of the Tehri Estate. 1032-34.

**RULING(S) BY MR. PRESIDENT  
(THE HONOURABLE SIR SHAN-  
MUKHAM CHETTY)—**

Bill(s)—

As Standing Orders are silent on  
the point as to what kind of  
amendments (restricted or of a  
general character) can be moved  
to the motion of a Mover of a  
Bill for eliciting public opinion  
by circulation, it is for the Chair  
to decide what amendments to  
such motions would be in order.  
210.

Even though one particular clause  
of a — may be *ultra vires* of the  
Legislature, that does not make  
the whole — *ultra vires*. 1188.

Even though the provisions of a  
new amending — may be in-  
consistent with any or all of the  
provisions of any Statute of the  
Indian Legislature, that will not  
make it *ultra vires*. 707.

It is not within the jurisdiction of  
the Indian Legislature to make  
a law for the conduct of a  
subject of an Indian State for an  
offence committed within the  
jurisdiction of that State. 1085.

The Legislative Assembly has no  
power to enact any — for punish-  
ing offences committed by non-  
British Indian subjects outside the  
territory of British India. 1221.

**RULING(S) BY MR. PRESIDENT  
(THE HONOURABLE SIR SHAN-  
MUKHAM CHETTY)—contd.**

**Bill(s)—contd.**

The mere fact, that in a — before the House there is one clause on which there is doubt with regard to the jurisdiction of the Indian Legislature, need not debar the House from discussing the —. 1089.

The powers of the Indian Legislature are defined in the Govt. of India Act, and not in the Queen's Proclamation, and if an Honourable Member wants to draw the attention of the Chair to the fact that a certain — is *ultra vires* of the Indian Legislature he must draw attention to the relevant portion of the Government of India Act and not to the Queen's Proclamation. 994.

When a Honourable Member, at the time when another Honourable Member is making a motion in connection with a —, wants to raise a point of order, he shall do so after the Honourable Member, making the motion has finished his speech. 993.

While replying to a debate, Honourable Members cannot attempt to traverse the whole ground again in detail. 411-12.

**Closure—**

So far as closing of a debate is concerned, the Chair, even without the application of a closure motion, can always put the question, when the Chair is satisfied that there has been a full and fair debate. Therefore, applying that principle, the Chair does not think that it is bound to put the closure to a division, when only one or two Honourable Members want a division. 1819.

**Indian Medical Council Bill—**

If the Law Member of the Government of India is a Member of the House when the motion to refer a Bill to Select Committee is made and even if, in the meantime, the personnel of Office is changed, there is no necessity to make a specific motion that the new incumbent of the Office be nominated to the Select Committee. 55.

**Joint Committee—**

This House can only recommend to the Council of State that a Joint Committee be set up, and this House has no power to restrict the right of the Council of State to determine the composition of that Committee. 1508.

**RULING(S) BY MR. PRESIDENT  
(THE HONOURABLE SIR SHAN-  
MUKHAM CHETTY)—contd.**

**Joint or Select Committee—**

A Committee of this House, whether a Joint Committee or a Select Committee, is set up by a motion of this House, and every Honourable Member, whoever he is, has got the right to sit on that Committee, if he is elected to that Committee, and no Resolution of this House, can debar an individual from sitting on a Committee like that. 1508.

**Jurisdiction of the House—**

This House cannot have jurisdiction over acts committed by Indian State subjects in an Indian State. 1088.

**Miscellaneous—**

A matter which is appealable must be considered as *sub judice* and, as such, cannot be discussed in the House. 1120.

An Honourable Member who makes a maiden speech must be given a patient hearing and not be interrupted. 383.

Honourable Members cannot criticise the action of His Excellency the Viceroy. 997.

It is no defamation to call a person a "Bombay Man". 1068.

No question can be asked in this House with regard to a foreign territory. 683.

The jurisdiction of the Indian Legislature is covered by the provisions of the Government of India Act which is in force for the time being. 1086.

**Motion for Adjournment—**

So far as the House is concerned, especially in the matter of a —, neither the Chair nor the House will take notice of any private correspondence that takes place between one Honourable Member and any Member of Government. 555.

The answer to a question by itself cannot be sufficient ground for moving the adjournment of the House unless the subject-matter of the question itself conforms to the rules and regulations relating to the adjournment motion. 783.

The policy of the Local Government or the Central Government, in administering an ordinary law of the land, is not a matter of urgency within the meaning of the rules, and as such, the — *re* forfeiture by Government of the *Free Press Journal* deposit is not in order. 1120.

**RULING(S) BY MR. PRESIDENT  
(THE HONOURABLE SIR SHAN-  
MUKHAM CHETTY)—*contd.***

**Motion for Adjournment—*contd.***

Though generally the policy of the Government in relation to a particular matter cannot be considered to be one of recent occurrence, occasions may arise when the policy and attitude of Government may become a matter of urgent public importance. 1391.

**Point(s) of Order—**

A Member of the Executive Council of the Governor General, who is not a Member of the Legislative Assembly and who exercises his right of addressing the Assembly on any occasion, has also the right of raising any — during the debate in which he takes part. 1692-93.

There cannot be a — when the division is on. 1227.

When the Chair has asked for an explanation from an Honourable Member, no — ought to be raised until that explanation has been given. 1088.

**Question(s)—**

Discussion cannot take place on a —. 255.

When an Honourable Member for the Government plainly states that he is not prepared to disclose the stages passed through by the Government in considering a proposal, it is no use for an Honourable Member pressing for the information by supplementary —. 88.

**Reply to a debate—**

Honourable Members will not be in order in replying to a debate on a motion which the House has already passed. 1544.

**Untouchability Abolition Bill—**

Whatever might have been said in the Queen's Proclamation, it is not a part of the written or unwritten law of Great Britain and Ireland, and, therefore, it is not covered by section 65 (2) of the Government of India Act. The — is, therefore, *intra vires* of the Indian Legislature. 995.

**RUSSIAN REVOLUTION—**

Question *re* prohibition of the importation into India of Trotsky's History of the —. 95.

**S**

**SADIQ HASAN, SHAIKH—**

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1653-54, 1697, 1708.

**SADIQ HASAN, SHAIKH—*contd.***

Indian Railways (Amendment) Bill—  
Motions to consider, to re-circulate and to recommit to Select Committee. 316-18.

Motion for Adjournment *re* aëria bombardment on Kotkai in the Trans-Frontier. 551, 868-69.

**Question *re*—**

Appointment of certain Ticket Collectors as Special Ticket Examiners in the Lahore Division of the North Western Railway. 513-14.

Bombardment of certain villages of independent tribes on the North-West Frontier by British aeroplanes. 738.

Censorship of cinematograph films. 737-38.

Cost of the Delhi Conspiracy Case. 767.

Cost of the Meerut Conspiracy Case. 765-67.

Districts in the Punjab where people are allowed to keep swords. 516.

Examination for recruitment to the Indian Army Service Corps. 764-65.

Extensions given to officials with thirty years' service in the Punjab Postal Circle Office. 1111-12.

Organization and control of travelling ticket examiners on the North-Western Railway. 1111.

Payment of *prima* on insurance policies from the Provident Fund by Railway employees. 765.

Provision of certain necessities to Kalanaur, District Gurdaspur. 1036-37.

Reduction of the grade of Head Special Ticket Examiner at Ferozepore, North-Western Railway. 1111.

Release of persons detained in jails for indefinite periods. 1455.

Representations to Government of Mr. Aziz Hindi, a State Prisoner. 1455.

Selection of special class apprentices for the Superior Revenue Establishment of State Railways. 1112.

Ticket checking schemes on the North Western Railway. 1110.

Transfer of certain State Prisoners from Muzaffargarh Jail to some other jail. 515-16.

Unemployment in India. 608-09.

**Question (Supplementary) *re*—**

Air bombardment on the tribal area of the North-West Frontier. 680.

Allegations against the police in Calcutta and Bombay. 1741.

**SAFEGUARDING OF INDUSTRIES ACT—**

See "Act(s)".

**SAFEGUARDING OF INDUSTRIES BILL—**

See "Bill(s)".

**SAHARANPUR—**

Question *re* vacancies of postmen, etc., in the — and Dehra Dun Head Post Offices and their sub-offices. 1665.

**SALARY (IES)—**

Question *re*—

Amount spent on the — and allowances of the officers under the Calcutta Port Trust. 547, 1766.

Demotion and reduction in — of the industrial staff in the Eastern Bengal Railway Press. 1346.

Grant of enhanced — to Hindu Assistant Surgeons with English qualifications. 1285.

Irregularities in charging — of the subordinates on the East Indian Railway. 1752.

Non-payment of the — of some sweepers of the Municipal Committee, Ajmer. 378.

— drawn by the non-gazetted staff of the Central Publication Branch. 369-70.

— of East Indian Railway employees on the transfer of that Railway from Company-management. 1611.

**SALARY BILLS—**

Question *re* realisation of subscription of members of service organisations through the — of the staff. 1372.

**SALE—**

Question *re* — of waste paper in the East Indian Railway Press. 1342.

**SALT—**

Question *re* prevention of the sale of bad — to the public. 538.

**SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL—**

See "Bill(s)".

**SALT INDUSTRY COMMITTEE—**

Election of Members to the —. 1293-94, 1692.

**SAMPLES—**

Question *re* testing of — of enamel navy green by the Government Test House, Alipore. 1053.

**SAMRU PLACE—**

Question *re* insanitary conditions near — and Lumsden Square, New Delhi. 1290.

**SANJIV SINGH, SARDAR—**

Code of Criminal Procedure (Amendment) Bill—

Motions to refer to Select Committee. 388, 406-13.

Motion for Adjournment *re*—

Facilities given to Mahatma Gandhi in jail. 151, 155-57.

Reservation of appointments for minority communities. 37-38.

Motion *re* future Administration of Aden. 1738.

Question *re*—

Abolition of the cadre of Travelling Ticket Examiners on the North Western Railway. 731, 732.

Absence of Sikhs in certain offices. 506-07.

Alleged embezzlements by the Building Supervisor of the Viceregal Lodge, New Delhi. 505.

Allowances of Travelling Ticket Examiners on the North Western Railway. 734.

Army Headquarters special train between Summer Hill and Simla. 1465-67, 1468.

Change of timings of the Army Headquarters special train or of office hours of Government offices in Simla. 1470.

Combination of oil companies. 729.

Communal composition of the clerical staff in the Military Grass and Dairy Farms.

Communal composition of the Viceregal staff. 505-06.

Conference of horse-breeders of the Jhelum Canal Colonies. 519-22.

Confirmation of one Mr. Bashir Ahmad Akhgar in the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.

Construction of a bridge on a canal between Moghalpura and Lahore on the North Western Railway. 1008-10.

Crew system on the North Western Railway. 729-30.

Denial of certain concessions to Travelling Ticket Examiners on the North Western Railway. 733.

Employment of Sikhs in the Office of the Deputy Accountant General Posts and Telegraphs, Delhi. 376-77.

Enlistment of 'Y' Cadets. 428-30.

**SANT SINGH, SARDAR—contd.**Question *re—contd.*

Examination for recruitment of Auditors in the subordinate Railway Audit Service and clerks in the offices of the Chief Auditors and State Railways. 1612.

Examination for recruitment of new hands in the Wireless Telegraph Department. 524-26.

Grant of house rent to clerks unwilling to occupy Summer Hill quarters. 1469-70.

Group system of ticket checking on the North Western Railway. 732.

Horse-breeding in the Jhelum Canal Colonies. 518-19, 522-24.

Import and export of certain commodities since the ratification of the Ottawa Pact. 245-51.

Management of the Hindu Refreshment Room at Lahore Railway station. 1010-13.

Memorial submitted by Assistant Way Inspectors, North Western Railway, for modification in their condition of service. 1013-14.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

Non-adoption of the Mody Ward Scheme of ticket checking on the North Western Railway. 734.

North Western Railway Divisional Personnel Officers' Conference. 731.

Organisation and control of the Travelling Ticket Examiners on the North Western Railway. 729, 730-31, 732-33.

Paints used by the Eastern Bengal Railway for painting their wagon. 1052.

Promotion of guards to the Assistant Station Masters' cadre in the Delhi Division of the North Western Railway. 526-27.

Provision of a club for Indian clerks living in Summer Hill quarters. 1467.

Provision of facilities for free conveyance to the civilian clerks living in Summer Hill quarters. 1468-69, 1470.

Qualifications of chargemen in the carriage and wagon shops, North Western Railway, Moghalpura. 946.

Qualifications of Members nominated to the Reserve Bank and Statutory Railway Board Committees. 194-96.

**SANT SINGH, SARDAR—contd.**Question *re—concl'd.*

Recruitment of Sikhs in the Income-tax Department, Punjab and North-West Frontier Province. 507-08.

Recruitment of Sikhs in the office of the Income-tax Commissioner, Punjab and North-West Frontier Province. 507.

Recruitment to the Subordinate Accounts Service. 375-76.

Reduction of Travelling Ticket Examiners on the North Western Railway. 733.

Returns of the co-operative societies in India. 526.

Special and Travelling Ticket Examiners on the North Western Railway. 731.

Suits instituted by Government for the declaration of their proprietary rights in respect of certain sites and bungalows in the Rawalpindi Cantonment. 1470-71.

Supervisor of Records of the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.

Suspension and discharge of certain chargemen in the carriage and wagon shops, Moghalpura, North Western Railway. 946-47.

Three decipherable currency notes of the Lahore Circle. 1010.

Question (Supplementary) *re—*

Allegations against certain sergeants during the Congress Session in Calcutta. 184-85.

Allegations against the Military in Calcutta. 172-75.

Alleged assault on the people at the Esplanade train-shed in Calcutta. 116.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1274.

Certain alterations in the 'D' type orthodox quarters in New Delhi. 1841.

City Magistrate of Delhi. 105-06.

Death of certain political prisoners in the Andamans. 102.

Enforcement of the attendance of persons at police stations by police officers. 13, 15.

Fixation of percentage for appointments in Government service for Muslims and other communities. 87, 88, 89, 90.

Participation of Indian shipping in the coastal and overseas trade of India. 1266.

**SANT SINGH SARDAR—concl'd.**

Question (Supplementary) *re—cont'd.*  
Representation of Muslims in the services under the control of the Government of India. 439.  
Representations made by Dr. Bhupal Singh and Mr. Satish Pakrashi, prisoners in the Andamans. 1601.  
State Prisoners in custody. 5.  
Suspension of the Civil Disobedience Movement. 92.

**SARDA, DIWAN BAHADUR HARBILAS—**

Ajmer-Merwara Juveniles Smoking Bill—

Motion to consider. 990.

Motion to pass. 992.

Hindu Widows' Right of Maintenance Bill—

Motion to refer to Select Committee. 415-16.

Motion to circulate. 960, 961, 962, 966-69.

Question (Supplementary) *re* construction of new quarters for Members of the Legislatures in New Delhi. 346.

**SARFAZ HUSSAIN KHAN, KHAN BAHADUR—**

Expressions of regret on the deaths of Sir Zulfiqar Ali Khan and —. 50-55.

**SARMA, MR. R. S.—**

Ajmer-Merwara Juveniles Smoking Bill—

Motion to consider and to pass. 991.  
Cotton Textile Industry Protection

(Second Amendment) Bill—

Motion to consider. 852, 854-55.

Demand for Supplementary Grant in respect of "New Capital Works at Delhi". 1245.

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 779.

Expressions of regret on the deaths of Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Hussain Khan. 51, 54.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 209, 215, 218, 220.

Imperial Bank of India (Amendment) Bill—

Motion making nominations to the Joint Committee. 1772.

Motion for Adjournment *re—*

Alleged scurrilous article in the *Daily Gazette re Mahatma Gandhi* 1422, 1423-24.

Facilities given to Mahatma Gandhi in jail. 154-55.

**SARMA, MR. R. S.—cont'd.**

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 727.

Consideration of—

Clause 3. 1561-62.

Clause 4. 1569-70.

Question (Supplementary) *re—*

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1272.

Communal composition of the gazetted staff under the direct control of the Director General of Posts and Telegraphs. 638.

Creation of insurance companies in India. 753.

Minute of dissent of Sir Purshotamdas Thakurdas on the report of the London Committee on the Indian Reserve Bank. 1691.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1497-1500, 1519.

Resolution *re* proprietary rights of citizens in the land. 1127.

Untouchability Abolition Bill—

Motion to circulate. 995, 998.

**SCHEME(S)—**

Question *re—*

Certain — in operation in Japan. 277.

— of reorganisation of the Central Publication Branch. 1476.

Welfare — on the East Indian Railway. 1753.

**SCHOOL(S)—**

Question *re—*

Amounts contributed by the Bengal Nagpur Railway for the construction of the buildings of certain India —. 1478.

Advertisement for probationers for certain posts at the Railway —, Chandausi. 743-44.

Construction of quarters for teachers of Bengal Nagpur Railway —. 1479.

Distinction between the Oakgrove European — and other East Indian Railway —. 534.

First class Railway passes allowed to the Head Mistress of the Oakgrove —. 453.

Governing bodies of the East Indian Railway — for Indians. 1254-55.

Issue of passes to the teachers of the East Indian Railway Indian High —. 530-31, 775.

Mr. Smith's report on the State Railways —. 527.



**SCHOOL(S)—contd.****Question re—contd.**

Non-treatment of Head Masters of the East Indian Railway Indian High — as Gazetted Officers. 529-30.

Policy of Government towards Company-managed Railway — 1477-78.

Position of teachers in Company-managed Railway — 1478-79.

Reading Room Association of an Indian Railway — at Jamalpur. 1385-86.

Re-organisation of the Railway — at Chandausi, East Indian Railway. 466.

— buildings on the Ridge at New Delhi. 1261-62.

Status of teachers of the East Indian Railway Indian —. 527-29, 775-78, 891-93, 1253-54.

**SCHUSTER, THE HONOURABLE SIR GEORGE—**

Dangerous Drugs (Amendment) Bill—  
Motion for leave to introduce. 839.

Motion to consider. 1717.

Motion to pass. 1718.

Demand for Excess Grant in respect of—

“Appropriation from Depreciation Fund”. 1230.

“Appropriation from the Reserve Fund (Railways)”. 1231

“Commuted Value of Pensions” 1229.

“Indian Posts and Telegraphs Department”. 1230.

“Loans and Advances bearing Interest”. 1229.

“Mint”. 1229.

“Miscellaneous (Railways)”. 1230.

“Railway Board”. 1230.

“Refunds”. 1229.

“Stationery and Printing.” 1229.

“Strategic Lines — Working Expenses and Miscellaneous”. 1231.

“Superannuation Allowances and Pensions”. 1229.

“Working Expenses: Administration”. 1230.

Demand for Supplementary Grant in respect of—

“Civil Aviation”. 1897, 1906-08.

“New Capital Works at Delhi”. 1231, 1234-36, 1244, 1249-50.

Imperial Bank of India (Amendment) Bill—

Motion for leave to introduce. 1294.

Motion to refer to Joint Committee. 1533, 1541, 1546, 1550, 1554-56.

Motion making nominations to the Joint Committee. 1771, 1772.

**SCHUSTER, THE HONOURABLE SIR GEORGE—contd.**

Indian Income-tax (Second Amendment) Bill—

Motion to consider. 708-09.

Consideration of clause 26. 714.

Motion to pass. 714.

Indian Income-tax (Third Amendment) Bill—

Motion to refer to Select Committee. 716-17.

Motion re—

Election of Members to the Salt Industry Committee. 1293-94.

Future Administration of Aden.

1733, 1773, 1778-83, 1787,

1796, 1797, 1814, 1817.

Negotiable Instruments (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1712-13.

Oath of office. 245.

Point of order raised by — as to whether an Honourable Member may reply to a debate on a motion which the House has already passed. 1541.

Public Accounts Committee—

Presentation of the Report of the —. 797-839.

Consideration of the Report of the —. 1908, 1909, 1914-15, 1924, 1925-27.

Reserve Bank of India Bill—

Motion for leave to introduce. 1177-80.

Motions to refer to Joint Committee and to circulate. 1295-1300, 1301, 1312, 1326, 1328, 1394, 1402, 1412, 1414, 1501, 1505, 1524-31.

Motion making nominations to the Joint Committee. 1771.

Resolution re repayment of half currency notes. 592-97.

**SCOTT, Mr. J. RAMSAY—**

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 845-47.

Question re—

Arrears in foreign sea-borne trade statistics for Kathiawar Ports. 1463.

Delay in the issue of the reports of Local Railway Advisory Committees. 1827-28.

Import of cotton textile and yarn, etc., through Kathiawar Ports. 1464.

Import of sugar through Kathiawar Ports. 1464.

**SCOTT, MR. J. RAMSAY—contd.**

**Question re—contd.**

Inclusion in the sea-borne trade volume of statistics of imports through Kathiawar Ports. 1465.

Preference to goods manufactured in India. 1124.

Running of a through bogie between Lucknow and Bombay. 1828.

**SEA-BORNE TRADE—**

**Question re—**

Arrears in foreign — statistics for Kathiawar Ports. 1463.

Inclusion in the — volume of statistics of imports through Kathiawar Ports. 1465.

**SEAMEN'S INSTITUTE—**

**Question re—**

Admission of Indian Officers and Cadets in the Prince of Wales —. 1670-71.

Contribution towards the building fund of the Prince of Wales —. 1670.

**SEARCH(ES)—**

Question re — by police of the room and belongings of State Prisoners confined in the Danoh Sub-Jail. 284-85.

**SECOND DIVISION—**

Question re Public Service Commission examination for the — of the Secretariat. 904-05.

**SECRETARIAT(S)—**

**Question re—**

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India — and Attached Offices. 460-62.

Examination for recruitment of Assistants and clerks in the Government of India — and Attached Offices. 458-60.

Grant of benefit of enjoying the old scales of pay to the retrenched staff of the Government of India — on re-employment. 758.

Holding up of confirmations of subordinates in the Government of India — and Attached Offices. 758-59.

Modification of recruitment rules of the Government of India — staff. 1750-51.

Muslim Superintendents in the Government of India — and attached offices. 685.

Muslims of Bengal, Punjab and other provinces in the Government of India — and attached offices. 919-20.

**SECRETARIAT(S)—contd.**

**Question re—contd.**

Public Service Commission examination for the second division of the —. 904-05.

Public Service Commission examination for the —. 900-01.

Recruitment of ministerial staff of the Government of India — and attached offices. 930-34.

**SECRETARY(IES)—**

**Question re—**

Discharge of Mr. G. Krishnamurthi, General — of the Madras and Southern Mahratta Railway Employees' Union. 1116.

— to the Board of High School and Intermediate Education, Rajputana and Central India. 291.

**SECRETARY OF STATE FOR INDIA—**

**Question re—**

Evidence given by the — and by Sir Malcolm Hailey before the Joint Parliamentary Committee. 543.

Raising of a sterling loan in London by the —. 1362-64.

**SECUNDERABAD—**

**Question re—**

Contemplated laying out of a new road in —. 687-88.

Proposed demolition of certain houses in the — Cantonment. 686-87.

**SECURITY(IES)—**

Question re declaration of debentures of the Central Land Mortgage Bank of Madras as trustee —. 618.

**SELECT COMMITTEE—**

Election of Members to the — on the Amendment of Standing Orders. 783.

**SELECTION GRADE—**

**Question re—**

Communal composition of the holders of — posts under the Postmaster, Allahabad. 1822.

Replacement of — Town Inspectors of Post Offices at Calcutta by time-scale men. 1387.

**SEN. MR. S. C.—**

Hindu Widows' Right of Maintenance Bill—

Motion to — circulate. 964.

Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee. 1549, 1551-52.

**SEN, MR. S. C.—*contd.***

Indian Income-tax (Second Amendment) Bill—

Consideration of clause 10. 711-12.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 985-86.

Indian Railways (Amendment) Bill—

Motion to consider, to re-circulate and to recommit to Select Committee. 326.

Consideration of clause 2. 702.

Motion to pass. 708.

Question (Supplementary) *re*—

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1461.

Revenue earned at the docks by the Calcutta Port Trust. 628.

Resolution *re* repayment of half currency notes. 589-90.

Untouchability Abolition Bill—

Motion to circulate. 1001.

Workmen's Compensation (Amendment) Bill—

Consideration of—

Clause 2, 72, 73, 78-79.

Clause 3, 82-83.

**SEN, MUKUL RANJAN—**

Question *re* condition of the health of — and Biren Roy, political prisoners in the Andamans. 360-61.

**SEN, PANDIT SATYENDRA NATH—**

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 208, 209, 210-20, 221, 222, 226, 231, 235, 237, 238, 239, 240.

Motion for Adjournment *re* facilities given to Mahatma Gandhi in jail. 150, 151, 152.

Murshidabad Estate Administration Bill—

Motion to pass. 1582.

Question *re*—

Allotment of quarters in New Delhi. 1037-39.

Application of the new State Railway Leave Rules to the Accounts staff. 1355-56.

Appointment of apprentice train examiners for the Operating Department. 1357.

Appointment of *ex*-apprentices of the Lillooh Workshop. 381.

Appointment of Lillooh apprentices. 1356-57, 1357-58.

Appointment of Lillooh apprentices as Electricians and Train Examiners. 1359.

**SEN, PANDIT SATYENDRA NATH—*contd.***

Question *re*—*contd.*

Appointment of Lillooh apprentices as train examiners. 1358-59.

Appointment of qualified clerks as Sub-Heads on the East Indian Railway. 1356.

Appointment of trained-*ex*-apprentices in the East Indian Railway Workshops, Lillooh. 564.

Assault by a Gurkha sepoy on some Professors of a Barisal College. 1840.

Case of one Mr. Bharthi, *ex*-Guard, East Indian Railway. 1336-38.

Discharge of Railway employees in certain departments in the Dinapore Division. 1829-30.

Discharge orders passed in the Dinapore Division, East Indian Railway. 1338-39.

Distinction between the Oakgrove European School and other East Indian Railway Schools. 531.

Examinations for Baudot Supervisors and Telegraph Masters. 952.

Formation of squads for ticket checking on the East Indian Railway. 1360.

Governing bodies of the East Indian Railway Schools for Indians. 1254-55.

Import of "Edible Oil" into India from Japan. 1745-46.

Income tax and Assistant Income-tax Officers appointed in Bengal. 1451.

Income-tax Department in Bengal. 1452-54.

Issue of passes to the teachers of the East Indian Railway Indian High Schools. 530-31.

Licence for Tell and Diana brand German air pistols in Bengal. 685.

Mechanical *ex*-apprentices of the East Indian Railway Workshop, Lillooh. 560.

Mr. Smith's report on the State Railways Schools. 527.

Nomination of members of the New Delhi Municipal Committee. 1262-63.

Non-treatment of Head Masters of the East Indian Railway Indian High Schools as Gazetted Officers. 529-30.

Officers discharged for failure to pass departmental examination in the Income-tax Department in Bengal. 1452.

Payment of halves of currency notes. 1746.

Population of New Delhi. 49.

**SEN, PANDIT SATYENDRA NATH—**  
*concl'd.*

Question *re—concl'd.*

Promotion of clerks in the East Indian Railway Accounts Department. 1054.

Recruitment of qualified clerks as Accountants in the East Indian Railway Accounts Department. 292.

Refund of fees to certain candidates not permitted to appear at the Ministerial Service Examination of the Public Service Commission.—1354-55.

Rejection by the Alipore Test House of a tender sample of Messrs. Sett and Dass Company. 1040-42.

Restrictions in Burma and Bengal for German automatic repeatent alarm pistols. 685.

Retrenchment in the Income-tax Department, Bengal. 1454-55.

Retrenchment in the Railway Clearing Accounts Office, Delhi. 1054.

Saving effected by the retrenchment of seven officers in the Income-tax Department, Bengal. 1454.

School buildings on the Ridge at New Delhi. 1261-62.

Status of teachers of the East Indian Railway Indian Schools. 527-29, 1253-54.

Stoppage of recruitment of apprentice Train Examiners for the Operating Department, East Indian Railway. 564.

Test of red seal brand metal polish and silver polish by the Alipore Test House. 1039-40.

Trade carried on in New Delhi. 291.

Working of the oil press in jails. 1037.

Question (Supplementary) *re—*

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1270.

Case of one Mr. Bharthi, *ex-Guard*, East Indian Railway. 1338.

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1460, 1461.

Persons whipped in connection with the Civil Disobedience Movement. 16.

Transfer of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 1032, 1033.

**SEN, PANDIT SATYENDRA NATH—**  
*concl'd.*

Untouchability Abolition Bill—

Point of order raised by — as to whether the — is not *ultra vires* of the Indian Legislature. 994.

Motions to refer to Select Committee and to circulate. 995-96, 997-1000, 1001.

**SEN, PROFESSOR S. C.—**

Question *re* facilities granted to — in completing his studies and taking a career thereafter. 182.

**SEN, SUDHANSU RANJAN—**

Question *re* proposed transfer of one —, a political prisoner, to the Andamans. 1831-32.

**SENGORRA—**

Question *re* alleged inhuman treatment meted out to Tamil labourers in — District in Siam. 356-58.

**SENIORITY LIST(S)—**

Question *re—*

— maintained on the East Indian Railway. 1753.

— of staff in the Moradabad Division, East Indian Railway. 1849-50.

**SENTENCE(S)—**

Question *re* conviction and — of the perpetrators of the thefts in the Currency Note Press, Nasik. 784.

**SEPARATION.—**

Question *re—*

Amalgamation and — of the cadres of Inspectors of Railway Mail Service and Inspectors of Post Offices. 955.

Non-appointment of a Muslim on Committees formed in connection with the — of the Orissa Province. 341-42.

— of Aden from India. 445-47.

— of Burma. 104.

— of different cadres of each railway. 340-41.

**SEPOY(S)—**

Question *re* assault by a Gurkha — on some Professors of a Barisal College. 1840.

**SERGEANT(S)—**

Question *re* allegations against certain — during the Congress Session in Calcutta. 184-85.

**SERVANT(S)—**

Question *re—*

Dismissal of public — in military employ. 1841.

**SERVANT(S)—*contd.*****Question *re—contd.***

Issue of duty passes for his private — by the Superintendent, Railway School of Transportation, Chandausi. 1461-62.

**SERVICE(S)—****Question *re—***

Introduction of new scales of pay for new entrants to — under the control of the Government of India. 273.

Memorial submitted by Assistant Way Inspectors, North Western Railway, for modification in their condition of —. 1013-14.

Non-recognition of — rendered during the Great War on the East Indian Railway. 690-91.

Promotion of subordinates to Local Government — in an officiating capacity on all State Railways except on the Great Indian Peninsula Railway. 340.

Publication of advertisements in connection with the — and educational matters, etc., in the Gazette. 603-04.

Representation of Muslims in the — under the control of the Government of India. 439.

Retirement of officials having thirty years' — in Postal Circle offices. 1029.

Rules for suing Government for breach of trust in respect of — conditions, etc. 1658.

Rules of examination for recruitment to the superior commercial and transportation —. 1676.

— of European Indian Civil Service or other officers lent to places outside British India. 935.

Vacancies in the gazetted rank in the Railway —. 1259-60.

**SERVICE ORGANISATIONS—**

Question *re* realisation of subscription of members of — through the salary bills of the staff. 1372.

**SERVICE STAMP(S)—**

*See* "Stamp(s)".

**SERVICE UNIONS—**

*See* "Union(s)".

**SESSION—**

Question *re* representation for the postponement of the Autumn — of the Legislative Assembly to November. 266-67.

**SETT AND DASS COMPANY, MESSRS.—**

Question *re* rejection by the Alipore Test House of a tender sample of —. 1040-42.

**SHAFEE DAOODI, MAULVI MUHAMMAD—**

Expressions of regret on the death of —.

Mr. B. N. Misra. 1864.

Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Husain Khan. 53-54.

**Motion for Adjournment *re—***

Aerial bombardment on Kotkai in the Trans-Frontier. 552-53, 781-82, 865-68, 882.

Alleged scurrilous article in the *Daily Gazette re* Mahatma Gandhi. 1437-38.

Expulsion order passed by the Commissioner on some residents of the Phulra State. 1225, 1291-92.

Motion *re* future Administration of Aden. 1789-90.

Murshidabad Estate Administration Bill—

Motions to consider and to refer to Select Committee. 723.

**Question *re—***

Air bombing on the North-West Frontier of India. 1034.

Certain alterations in "D" type orthodox quarters in New Delhi. 1754-55.

Muslim Superintendents in the Government of India Secretariat and attached offices. 685.

**Question (Supplementary) *re—***

Air bombardment on the tribal area of the North-West Frontier. 680, 681, 682, 683.

Censorship of cinematograph films. 738.

Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed Orissa Province. 8.

Railway accident near Mokameh on the East Indian Railway. 96, 97.

Running of special trains between Barsui and Kishanganj on the Eastern Bengal Railway. 631.

**SHAH DARA—**

Question *re* procession on the *Ekdasi* Day in — Delhi. 1458-60.

**SHARE(S)—****Question *re—***

Government's — in Company-managed Railways. 455-56.

Purchase of — by Government servants in joint stock companies. 1252.

**SHED—**

Question *re* renting of the long corrugated iron — to the Summer Hill Commandant. 750-51.

**SHER MUHAMMAD KHAN GAKHAR, CAPTAIN—**

Expressions of regret on the deaths of Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Hussain Khan. 52, 54.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1090, 1219-21.

Motion *re* future Administration of Aden. 1799.

Question (Supplementary) *re*—

Nomination of the Indian Army soldiers to the Indian Military Academy, Dehra Dun. 911.

Troubles of the Hindus of the Alwar State. 185-86.

Resolution *re* admissions to the Military Academy. 1155-57, 1162.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 21. 125.

**SHER SINGH, SARDAR—**

Question *re* murder of one — in California, United States of America. 360, 456-57.

**SHIP(S)—**

Question *re*—

Doctor in charge of hospitals on pilgrim —. 621.

Employment of Muslim doctors and hospital assistants on pilgrim —. 621.

Marking of sixteen square feet space for each pilgrim in pilgrim —. 619-20.

Non-maintenance of the record of poor box collections made on various — by the Shipping Office, Bombay. 197.

Provision of facilities for Tibbi treatment on pilgrim —. 622-23.

Reservation of the Imperial coasting trade to British —. 1263-64.

Space for alley-ways in pilgrim —. 620.

Steaming capacity of certain pilgrim —. 621.

**SHIPPING COMPANIES—**

Question *re*—

Grievances of the Indian —. 1267.

Protection to the Indian —. 1264-65.

**SHIPPING MASTERS—**

Question *re* abolition of the appointments of the Deputy and Assistant — in Calcutta. 198.

**SHIPPING OFFICE—**

Question *re* non-maintenance of the record of poor box collections made on various ships by the —. Bombay. 197.

**SHIPPING SUBSIDES—**

Question *re* proceedings of the Subcommittee of the World Economic Conference dealing with —. 1251.

**SHOP(S)—**

Question *re*—

Qualifications of chargemen in the carriage and wagon —, North Western Railway, Moghulpura. 946.

— on Baird Road, New Delhi. 1108-09, 1757.

Suspension and discharge of certain chargemen in the carriage and wagon —, Moghulpura, North Western Railway. 946-47.

**SHRINE**

Question *re* proposed removal of an ancient — at Azimganj by the East Indian Railway authorities. 366.

**SIAM—**

Question *re*—

Alleged inhuman treatment meted out to Tamil labourers in Senggorra District in —. 356-58.

Grievances of Indians in the Federated Malay States, Indo-China and —. 735.

**SICK LIST—**

Question *re* half pay given to the Rohilkund and Kumaon Railway employees on —. 755.

**SICKNESS—**

Question *re* certificates of — produced by the North Western Railway employees. 796.

**SIGNAL(S)—**

Question *re* light of railway —. 114.

**SIGNAL ROOM—**

Question *re* duty system of telegraphists and — clerks. 1367.

**SIKH(S)—**

Question *re*—

Absence of — in certain offices. 506-07.

Appointment of a — as a Judge in the Lahore High Court. 940.

Employment of — in the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 376-77.

Government of India Departments with no —, Indian Christians, Depressed Classes and Parsis. 1596.

**SIKH(S)—contd.****Question re—contd.**

Recruitment of — in the Income-tax Department, Punjab and North-West Frontier Province. 507-08.

Recruitment of — in the office of the Income-tax Commissioner, Punjab and North-West Frontier Province. 507.

**SILVER—****Question re—**

Export of — from India to America. 264.

Gold and — held in the Currency Department. 1349-50.

Payment of War Debt by England to the United States of America with — acquired from India. 266.

Repayment of War Debts by England out of the — reserves transhipped from India. 277-78.

Sale of — to Great Britain. 1113.

**SILVER BARS—**

Question *re* — left in stock with the Government of India after payment of the same to America as a War debt. 611.

**SILVER BULLION—**

Question *re* — in reserve in the Currency. 602.

**SILVER POLISH—**

Question *re* — test of red seal brand metal polish and — by the Aliport Test House. 1039-40.

**SILVER RESERVES—**

Question *re* gold and — in India 448-49.

**SILVER TRANSACTIONS—**

Question *re* — with England for payment of war debt to America. 623.

**SIMLA—****Question re—**

Allegation against the Assistant Station Master —. 922.

Allegations against the late establishment clerk, — Head Post Office. 1664-65.

Anæsthetist in the Ripon Hospital —. 930.

Army Headquarters special train between Summer Hill and —. 347-48, 349, 352, 1465-67, 1468.

Ceylonese deputation in —. 257.

**SIMLA—contd.****Question re—contd.**

Change of timings of the Army Headquarters special train or of office hours of Government offices in —. 1470.

Civil Surgeon in charge of Ripon Hospital in —. 355.

Decrease in the earning of the piece-workers of the Government of India Presses at Calcutta and —. 1847.

Faulty check over compositors' work in the Government of India Presses at Calcutta and —. 1843-49.

Fees charged for operations performed in the Ripon Hospital —, on the dependants of Government servants. 353-54.

Free medical attendance by the Civil Surgeons, —, to Indian Government servants. 354-55.

Military dairies in — and Lahore. 262-63.

Non-admission of Indians in the Walker and Portmore Hospitals in —. 356.

Passes for free conveyance of Army Headquarters clerks between Summer Hill and —. 914-16.

Racial discrimination in the carriage of dogs by railway trains between Summer Hill and — 913-14, 922-23.

Rail Roads Conference held at — 600.

Railway accident near Dharampur on the Kalka — Railway. 94 95.

Refusal to allow Army Headquarters Indian clerks living in private houses to travel by the special train running between Summer Hill and —. 918.

Representation of the travelling public at the Rail-Road Conference held at —. 1019-21.

Running of a special train for civilian clerks between Summer Hill and —. 351-52.  
— exodus. 265.

Sugar and Industries Conference held at —. 550.

Travelling of children of European clerks by the special train running between Summer Hill and —. 918-19.

Travelling of unauthorised persons by the special train, running between Summer Hill and —. 916-18.

**SIND—**

**Question re—**

Applications received from assesses in — for transfer of their assessment. 1450-51.

Assessment of Income-tax from contractors in —. 259.

Communal composition of Inspectors and Assistant Examiners, etc., in the Income-tax Department, —. 260-61.

Communal composition of the gazetted staff in the — and Baluchistan Postal Circle. 654-56

Communal composition of the non-gazetted staff in the — and Baluchistan Postal Circle. 675-76.

Reduction of land revenue and grant of *Takaris* to agriculturists in — and Baluchistan. 795.

**SIND AND BALUCHISTAN CIRCLE—**

Question *re* appointment of Muslims in the —. 40.

**SINDHI(S)—**

**• Question re—**

— and Non— clerks in the late Construction office, North Western Railway. 1675.

— Hindus discharged from the Office of the Chief Engineer, Survey and Construction, North Western Railway. 380.

Translation of the form of notice of demand of Income-tax in —. 259.

**SINGAPORE—**

Question *re* extension of Trans-Continental Air Service from Karachi to —. 267-69.

**SINGH, KUMAR, GUPTESHWAR PRASAD—**

Election of — to the Standing Committee for the Department of Commerce. 951.

**SINGH, MR. GAYA PRASAD—**

Appointment of — on the Committee on Petitions. 462.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 860-63.

Demand for Supplementary Grant in respect of—

Civil Aviation. 1903-04, 1906.

"New Capital Works at Delhi". 1245-49.

Expressions of regret on the death of—

Mr. B. N. Misra. 1864.

Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Husain Khan. 51, 53.

**SINGH, MR. GAYA PRASAD—contd.**

**Factories Bill—**

Motion to refer to Select Committee. 1635-36.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommit to Select Committee. 1697.

Hindu Temple Entry Disabilities Removal Bill—

Motion to circulate. 215.

Indian "Khaddar" (Name Protection) Bill—

Motion to refer to Select Committee. 969-73, 975, 980, 986.

Indian Railways (Amendment) Bill—

Motions to consider to re-circulate and to recommit to Select Committee. 320-24, 478.

Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1189, 1192, 1227.

Indian Wireless Telegraphy Bill—

Motion to consider. 719-20.

Motion for Adjournment *re* aerial bombardment on Kotkai in the Trans-Frontier. 876-77.

Motion *re* future Administration of Aden. 1727, 1783-89.

Murshidabad Estate Administration Bill—

Consideration of—

Clause 20. 1576.

Clause 22. 1578.

**Question re—**

Accident to the 8 Down Delhi Express at Asansol. 175.

Action taken under the Safeguarding of Industries Act. 104.

Agitation of the white settlers in Kenya against income-tax. 1007.

Allegations against certain sergeants during the Congress Session in Calcutta. 184-85.

Allegations against the British India Steam Navigation Company. 373-75.

Allegations against the Military in Calcutta. 172-75.

Allegations of assault made on the Congressmen after their arrest in Calcutta. 21-26.

Alleged assault on the people at the Esplanade tram-shed in Calcutta. 114-16.

Alleged inhuman treatment meted out to Tamil labourers in Sengorra District in Siam. 355-58.

Allotment of residential quarters in the Currency Note Press, Nasik. 785.

Amelioration of the condition of Indian education in British Guiana. 1906.

Amelioration of the condition of Indians in the Lake Province in Tanganyika. 1007-08.



**SINGH, MR. GAYA PRASAD—contd.**  
**Question re—contd.**

- Amount spent on the Queen Mary Zenana Ghat, Pushkar. 378-79.  
 Application of the Factory Rules to the Currency Note Press, Nasik. 786-87.  
 Appointment of Adya Gaud Brahmins in the Currency Note Press, Nasik. 785.  
 Arrest and deportation of Mr. George Mraz who was running a German Therapeutic Institute in Delhi. 625.  
 Arrest of Mr. Devidas Gandhi at Delhi. 760-64.  
 Arrests and detention in connection with alleged revolutionary activities in the Delhi Province. 270-71.  
 Assesseees to income tax and super-tax and Assistant Commissioners engaged in appellate work in certain provinces. 934-35.  
 Assistant supervisors of different communities appointed in the Currency Note Press, Nasik. 785.  
 Boycott of Indian cotton by Japan. 256-57.  
 Cancellation of the passport of Swami Bhawani Dayal Saunyasi to visit Fiji. 509-10.  
 Ceylonese deputation in Simla. 257.  
 City Magistrate of Delhi. 105-06.  
 Closing to the public of the Victoria Park in Queen's Garden, Delhi. 464.  
 Collection of information *re* political outlook of military tenderers. 893.  
 Communal composition of the clerical staff in the Military Grass and Dairy Farms. 1014.  
 Construction of a bridge on a canal between Moghalpura and Lahore on the North Western Railway. 1008-10.  
 Construction of the Narbada Bridge on the Bombay, Baroda and Central India Railway. 379-80.  
 Contemplated establishment of mills and factories in India by Japan. 104.  
 Conviction and sentence of the perpetrators of thefts in the Currency Note Press, Nasik. 784.  
 Damage due to excessive rainfall to certain articles in the Council House Building in New Delhi. 514-15.  
 Death of certain political prisoners in the Andamans. 98-104.  
 Demand for Closer Union of East Africa including Tanganyika with Kenya. 1383-84.

**SINGH, MR. GAYA PRASAD—contd.**  
**Question re—contd.**

- Demand of white settlers for the control over the finances of Kenya. 1008, 1383.  
 Departmental action taken against the supervisors retained or retrenched in the Currency Note Press, Nasik. 785.  
 Disability pension to discharged military men. 788.  
 Discrimination against Asiatic staff in the Tanganyika Railways. 1004-05.  
 Disturbances in Kashgar and Yarkand. 94.  
 Diversion of the East Indian Railway Punjab Mails from the main line to the Grand Chord. 336-38.  
 Employment of two special squads of Ticket Examiners on the East Indian Railway. 744.  
 Entry of some soldiers of the Dorsetshire Regiment into the Dacca University Central Building with fixed bayonets. 787.  
 Escape of certain life convicts from Port Blair. 94.  
 European style quarters for Indians in the Currency Note Press, Nasik. 785-86.  
 Examination for recruitment of Auditors in the Subordinate Railway Audit Service and clerks in the offices of the Chief Auditors and State Railways. 1014-16.  
 Expenditure on the Chamber of Princes from the Indian revenues. 190-91.  
 Exploration of the possibility of making Brazil, British Guiana, or some other places as a possible outlet for the South African Indians. 105.  
 Expulsion of certain Chettians from Indo-China. 1030-32.  
 Extension of Trans-Continental Air Service from Karachi to Singapore. 267-69.  
 Exterment of Maulana Sultan Ahmed from Delhi. 495-97.  
 Facilities granted to Professor S. C. Sen in completing his studies and taking a career thereafter. 182.  
 Fixation of percentage for appointments in Government service for Muslims and other communities. 87-90.  
 Forcible acquisition of a bungalow by Military Estate Officer in Peshawar. 1754.  
 Forged ten-rupee notes in the Currency Note Press, Nasik. 784.  
 Immigrants left stranded at Akra, Kidderpore. 358-59.

**SINGH, MR. GAYA PRASAD—contd.**

**Question re—contd.**

Indianisation of the Opium Department. 95.

Leases in Kenya Native Reserves. 1004.

Loans advanced to the Bahawalpur State out of Indian revenues. 935-40.

Maize Pool Scheme in Kenya. 1006-07.

Management of the Hindu Refreshment Room at Lahore Railway station. 1010-13.

Memorial submitted by Assistant Way Inspectors, North Western Railway, for modification in their condition of service. 1013-14.

Municipal administration of Ajmer City. 1829.

Murder of one Sardar Sher Singh in California, United States of America. 360.

Non-grant of a passport to Mr. Subhas Chandra Bose to visit England. 178.

Non-release in bail of persons arrested for offences under section 18 of the Emergency Press Act, 1931, in Delhi. 271-72.

Payment of War Debt by England to the United States of America with silver acquired from India. 266.

Pension of certain military men increased by re-employment during the Great War. 787-88.

Persons arrested, released and prosecuted in connection with the holding of the Congress Session in Calcutta. 20.

Postal Union in East Africa. 1005-06.

Present condition of the health of Saroj Ranjan Acharya detained in the Deoli Detention Camp. 95.

Present political and administrative position of Gilgit. 190, 1174.

Presidential speech of Mr. Subhas Chandra Bose in the recent political conference in London. 255-56.

Prohibition of the entry into India of publications by Rash Behari Bose. 359-60.

Prohibition of the importation into India of Trotsky's History of the Russian Revolution. 95.

Promotions of Assistant Surgeons and Sub-Assistant Surgeons of the Indian Medical Department. 759-60.

Proposal of restricting the passage of Government officials, proceeding to England, to British steamers. 628

**SINGH, MR. GAYA PRASAD—contd.**

**Question re—contd.**

Racial restrictions against Indians to buy land in Kenya. 1003.

Railway accident near Dharampur on the Kalka Simla Railway. 94-95.

Railway accident near Mokameh on the East Indian Railway. 96-97.

Recruitment of the ministerial establishment of the Contracts Directorate, Army Headquarters. 34-36.

Refusal of passport to Mr. B. J. Deorukhkar, nationalist leader of the Depressed Classes, to proceed to London. 269-70.

Remand to police custody of persons arrested for distributing unauthorised leaflets in Delhi. 271.

Representation for the postponement of the Autumn Session of the Legislative Assembly to November. 266-67.

Representatives of India at the World Economic Conference in London. 253-55.

Resolutions passed by the Indian National Congress held in Calcutta. 19-20.

Results of the audit of the accounts of architects of Nasik buildings. 786.

Retention of the post of the Educational Commissioner with the Government of India. 184.

Retrenchment in the Calcutta Port Trust. 625-26.

Retrenchment of accountants from the Military Accounts Department, Rawalpindi. 30-32, 34.

Retrenchment of Income tax Officers in Bihar and Orissa. 40.

Revenue earned at the docks by the Calcutta Port Trust. 626-28.

Rumoured transfer of a part of Kenya to Italy. 105.

Safeguarding the legitimate interests of Indians in Fiji. 1006.

Separation of Burma. 104.

Service of European Indian Civil Service or other officers lent to places outside British India. 1768-71.

Services of European Indian Civil Service or other officers lent to places outside British India. 935.

Shifting of the Imperial Library to New Delhi. 508-09.

Shortage of five-rupee note sheets in the Currency Note Press, Nasik. 784.

Simla exodus. 265.

Special qualifications required for the posts of the Master and Deputy Master of Nasik Presses. 785.

**SINGH, MR. GAYA PRASAD—contd.**Question *re—conclld.*

Star water-marked currency notes printed in the Currency Note Press, Nasik. 784.

Stores purchase policy of the Calcutta Port Trust. 625, 1171.

Sufferings of deck passengers coming from Rangoon to Calcutta due to overcrowding. 426.

Sum to be taken from India as a result of the Ottawa Agreement. 182-83.

Technical apprentices employed in the Presses at Nasik. 786.

Telephone connection of India with London, etc. 97-98.

Three decipherable currency notes of the Lahore Circle. 1010.

Transfer of Aden to His Majesty's Government. 171-72.

Transfer of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 1032-34.

Treatment meted out to Mr. M. S. Aney in the Midnapur Jail. 175-78.

Troops from British India sent to Alwar. 686.

Trouble at the North-West Frontier of India. 629.

Troubles of the Hindus of the Alwar State. 185-86.

Verification of spoiled or rejected currency notes in the Currency Note Press, Nasik. 784.

Question (Supplementary) *re—*

Absence of a direct train between Delhi and Karachi. 108.

Adi-Kumbh Mela, Hardwar. 1824.

Admission fee for the examination for recruitment of Assistants and clerks in the Government of India Secretariat and Attached Offices. 462.

Admission of Indian Officers and Cadets in the Prince of Wales Seamen's Institute. 1671.

Allegations against the police in Calcutta and Bombay. 1741.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1270, 1273, 1274.

Amount paid to witnesses for going to London for giving evidence before the Joint Parliamentary Committee. 342.

Appointment of an Indian as Director General, Indian Medical Service, or as Public Health Commissioner in India. 924-925.

Appointment of Presidents and Members of the Tariff Board from Provinces other than Bombay. 930.

**SINGH, MR. GAYA PRASAD—contd.**Question (Supplementary) *re—contd.*

Communal composition of the gazetted staff under the direct control of the Director General of Posts and Telegraphs. 637.

Construction of new quarters for Members of the Legislatures in New Delhi. 345.

Construction of quarters in New Delhi. 913.

Construction of the new Narbada Bridge on the Bombay, Baroda and Central India Railway. 272.

Consultation with the Local Advisory Committees on different Railways in fixing rates for eatables and aerated water. 274, 275.

Death of certain political prisoners in the Andamans. 112.

Denial of equity and fairplay to Indians in New Zealand. 532, 534.

Dissatisfaction of Oriyas on account of non-inclusion of certain areas in the proposed Orissa Province. 8, 9.

Facilities for the Mount Everest air expedition. 440.

Firms manufacturing playing cards in India. 908-09.

Housing problem of the Indian employees of the East Indian Railway at Jamalpur. 16.

Increase in the number of Muslim Judges in the Calcutta High Court. 907.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1592, 1595.

Indians in the Indian Civil Service appointed as Executive Councillors in the Provinces. 1674.

Leasing out of military dairies to contractors. 1278, 1279.

Manufacture of playing cards in India. 546.

Mr. Gandhi's fast. 26.

Nomination of the Members of the Legislative Assembly to the Joint Parliamentary Committee. 191-93.

Proposed revision of the terms of the Ottawa Agreement. 1336.

Protection of the private dairy industry from the unfair competition of military dairies. 1276, 1277, 1280.

Protection to the Indian shipping companies. 1265.

Publication of advertisements in connection with the services and educational matters, etc., in the Gazette. 603-04.

**SINGH, MR. GAYA PRASAD—concl'd.**

Question (Supplementary) *re—concl'd.*

Purchase of grain for the military and management of the depots. 741.

Recognition of Muslim Trade Unions. 607-08.

Recruitment of ministerial staff of the Government of India Secretariat and attached offices. 932, 933, 934.

Representation of the travelling public at the Rail-Road Conference held at Simla. 1021.

Selling price of milk and cream at the Wellington Farm. 604-05.

Separation of Aden from India. 447.

Teaching staff of the Royal Indian Military College, Dehra Dun. 1375.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1295, 1330-32, 1391-94, 1403.

Workmen's Compensation (Amendment) Bill—

Consideration of clause 21. 129.

**SITTARAMARAJU, MR. B.—**

Appointment of — on the Committee on Petitions. 462.

Cotton Textile Industry Protection (Second Amendment) Bill—

Motion to consider. 841-45.

Hindu Widows' Right of Maintenance Bill—

Motion to circulate. 958-60, 961-63, 966.

Indian Medical Council Bill—

Motion to consider. 1877-79, 1882.

Motion *re* future Administration of Aden. 1793-98.

**SLOAN, MR. T.—**

Motion for Adjournment *re* alleged scurrilous article in the *Daily Gazette re* Mahatma Gandhi. 1421, 1438.

Oath of Office. 1.

**SMITH, MR.**

Question *re* —'s report on the State Railways Schools. 527.

**SOCIETIES—**

Question *re* returns of the co-operative — in India. 526.

**SOHAN SINGH, SIRDAR—**

Question *re—*

Appointment of a Sikh as a Judge in the Lahore High Court. 940.

Promotions of officers of the Transportation (Traffic) and Commercial Branches of the North Western Railway. 950.

**SOLAR ECLIPSE—**

Question *re* failure of water supply at the Kurukshetra station after the —. 1257-58.

**SOLDIER(S)—**

Question *re—*

Entry of some — of the Dorsetshire Regiment into the Dacca University Central Building with fixed bayonets. 787.

Nomination of the Indian Army — to the Indian Military Academy, Dehra Dun. 909-12.

Posting of European ex— with no knowledge of Railway working on the Rohilkund and Kumaon Railway. 756.

Reservation of seats for — in the Army Headquarters. 1449.

— holding upper division appointments in the Army Headquarters. 1449-50.

**S(N)(S)—**

Question *re* rejection of application for appointments from the — and relatives of postal officials of the Calcutta General Post Office. 1386.

**SORTER(S)—**

Question *re* hours of duty of Railway Mail Service —. 1446.

**SORTING OFFICE—**

Question *re—*

Grant of increments to the officials of the —, Madras General Post Office. 1851.

Removal of the — to the Madras General Post Office building. 198-99.

**SORTING POSTMAN—**

*See* "Postman(en)".

**SOUTH AFRICA—**

*See* also "Africa".

Question *re* sending back of repatriated Indians from Natal and other parts of — to their homes. 735-36.

**SOUTH AFRICAN INDIAN(S)—**

*See* "Indian(s)".

**SOUTH INDIAN RAILWAY—**

*See* "Railway(s)".

**SPACE(S)—**

Question *re—*

Inadequacy of the — for the staff in the Madras General Post Office. 1171-73.

Marking of sixteen square foot — for each pilgrim in pilgrim ships. 619-20.

— for alley-ways in pilgrim ships. 620.

**SPECIAL DUTY—**

Question *re* placing of certain clerks on — in the office of the Agent, North Western Railway. 49-50.

**SPECIAL PAY—**

See "Pay".

**SPECIAL TICKET EXAMINER—**

See "Ticket Examiner(s)".

**SPECIAL TRAIN(S)—**

See "Train(s)".

**SPECIFICATION(S)—**

Question *re* sanction of additional staff for the Central Publication Branch to cope with the work connected with the transfer of the Patent Office —. 434.

**SPEECH(ES)—**

Question *re* presidential — of Mr. Subhas Chandra Bose in the recent political conference in London. 255-56.

**SPORTS ALLOWANCE(S)—**

See "Allowance(s)".

**SQUAD(S)—**

Question *re*—

Employment of two special — of Ticket Examiners on the East Indian Railway. 744.

Formation of — for ticket checking on the East Indian Railway. 1360.

**SRADII CEREMONY—**

Question *re* permission to a detenu in the Deoli Detention Camp to perform the — of his father. 1608.

**STAFF COLLEGE—**

Question *re* expenditure incurred for conveyance of mails by the sub-postmaster, —, Quetta. 1664.

**STALLS—**

Question *re* contracts of — at Railway stations. 263-64.

**STAMP(S)—**

Question *re*—

Sale of five pice and four pice postage —. 438.

Value of service —. 454-55.

**STANDING COMMITTEE(S)—**

Election of the — for the Department of Commerce. 293, 951.

Election of the — for the Department of Industries and Labour. 293-94.

Question *re* fixation of the date and time for different —. 1260-61.

See also "Committee(s)".

**STANDING FINANCE COMMITTEE FOR RAILWAYS—**

Question *re* article in the *Indian Railway Gazette* against the —. 1831.

**STANDING ORDERS—**

Amendment of—

Motion for leave to amend granted. 296.

Referred to Select Committee. 296.

Election of Members to the Select Committee. 783.

**STAR WATER-MARKED CURRENCY NOTES—**

See "Note(s)".

**STATE(S)—**

Question *re*—

Loans due to Indian — and Provincial Governments. 536.

Payment by the Indian — and Provincial Governments of debt instalments. 537.

**STATE PRISONER(S)—**

See "Prisoner(s)".

**STATE RAILWAY(S)—**

See "Railway(s)".

**STATEMENT(S) (LAID ON THE TABLE)—**

— *re* the lowest tenders not accepted by the High Commissioner for India in purchasing stores. 287-89.

**STATEMENT OF BUSINESS—**

— by the Honourable Sir Joseph Bhore. 196-97, 691, 1126, 1175-76, 1613.

**STATES (PROTECTION) BILL—**

See "Indian —" under "Bill(s)".

**STATES SUBJECTS—**

Question *re* employment of — under the Government of India. 1590-91.

**STATION(S)—**

Question *re*—

Beggars on the — platforms of State Railways. 252.

Contracts of stalls at Railway —. 263-64.

Level crossing on either side of the Railway — at Unao. 464-65.

Non-sale of monthly tickets at — booking offices on the Kalka Simla Railway. 914.

Periodical inspection of — on the East Indian Railway by the Inspectors of Accounts. 380.

Provision of an orthodox restaurant at Cawnpore Central —. 1758.

**STATION(S)—*contd.***

**Question *re—contd.***

Rest houses at certain — on the Rohilkund and Kumaon Railway. 757.

Running of a through bogie between two —. 1256.

Through bogies between certain —. 1255-56.

Transfers from and to non-family and unhealthy — in the trans-frontier in the Punjab and North-West Frontier Postal Circle. 1664.

**STATION ACCOUNTS—**

**Question *re—***

Reservation of posts of Assistant Accounts Officers on the North Western Railway for Accountants and Inspectors of —. 558-59.

Withdrawal of daily allowance of Inspectors of —, *etc.*, on the East Indian Railway. 1851.

**STATION MASTER(S)—**

**Question *re—***

Allegation against the Assistant —, Simla. 922.

Confirmations in the grade of Assistant — on the North Western Railway. 1481.

Differential treatment of European, Anglo-Indian and Indian Assistant — on the East Indian Railway. 633, 634.

Duty of Assistant — at roadside stations on the Rohilkund and Kumaon Railway. 755-56.

Night duty of Assistant — on certain branch lines of the East Indian Railway. 633.

Non-posting of unqualified guards as Assistant — on Indian Railways. 1675-76.

Pay of Indian Assistant — on the East Indian Railway. 632.

Pay of Indian — on the East Indian Railway. 632.

Promotion of guards to the Assistant — cadre in the Delhi Division of the North Western Railway. 526-27.

Promotion of Indian Assistant — as Guards in the Moradabad and Lucknow Divisions, East Indian Railway. 295.

Promotion of Indian Assistant — to the posts of Platform Assistants on the East Indian Railway. 465-66.

Rest for certain — on the East Indian Railway. 634.

Supersession of Indian Assistant — by European and Anglo-Indian Guards on the East Indian Railway. 632-33.

**STATION MASTER(S)—*contd.***

**Question *re—contd.***

Uniforms supplied to the Assistant — on the East Indian Railway. 633.

**STATIONERY AND PRINTING—**

Demand for Excess Grant. 1229.

**STATISTIC(S)—**

**Question *re—***

Arrears in foreign sea-borne trade — for Kathiawar Ports. 1463.

Inclusion in the sea-borne trade volume of — of imports through Kathiawar Ports. 1465.

**STATISTICAL SECTION—**

Question *re—* of the Imperial Council of Agricultural Research. 1764-65.

**STATUTORY RAILWAY BOARD—**

Question *re* formation of the — in India. 624.

**STATUTORY RAILWAY BOARD COMMITTEE—**

*See* "Committee(s)".

**STEAMER(S)—**

Question *re* proposal of restricting the passage of Government officials, proceeding to England, to British —. 628.

**STEAMING CAPACITY—**

Question *re—* of certain pilgrim ships. 621.

**STENOGRAPHER(S)—**

**Question *re—***

Allowance to the — of the Central Telegraph Office and General Post Office, Madras. 1851-52.

Success of a non-matriculate temporary clerk of the Railway Board's Office in the Public Service Commission — examination. 1098-99.

**STERLING LOAN—**

Question *re* raising of a — in London by the Secretary of State for India. 1362-64.

**STOCK(S)—**

**Question *re—***

Silver bars left in — with the Government of India after payment of the same to America as a War debt. 611.

Stores and — in factories under the Army Department. 606.

**STORE(S)—**Question *re*—

— and stocks in factories under the Army Department. 606.

— purchase policy of the Calcutta Port Trust. 625, 1171.

Statement (laid on the table) *re* the lowest tenders not accepted by the High Commissioner for India in purchasing —. 287-89.**STORE-KEEPERS—**Question *re* pay of — of the Indian Army Service Corps. 1293.**STOREMAN(EN)—**Question *re*—

Promotion of — in the Indian Army Ordnance Corps. 1608-09, 1610-11.

— of the Indian Army Ordnance Corps. 1610.

**STRATEGIC LINES—WORKING EXPENSES AND MISCELLANEOUS (RAILWAYS)—**

Demand for Excess Grant. 1231.

**STREET(S)—**Question *re* dim-lit — of New Delhi. 1290.**STUDD, MR. E.—**

Election of — to the Salt Industry Committee. 1692.

Indian Railways (Amendment) Bill—  
Motions to consider, to re-circulate and to re-commit to Select Committee. 475-76.

Indian Tea Control Bill—

Motion to refer to Select Committee. 1620.

Oath of Office. 1.

Question *re* payment of death claims by the Postal Insurance Fund. 1361-62.Question (Supplementary) *re* increase in the import of fruits and vegetables from foreign countries. 1118.**STUDENT(S)—**Question *re*—

Difficulties experienced by Indian — in the Universities in Great Britain. 556-57.

Falling off in the number of — in the Benares and Aligarh Universities. 624.

Indian — outside India. 272.

**SUB-ASSISTANT SURGEONS—**Question *re* Muslim — and Assistant Surgeons on the East Indian Railway. 1288.

See also "Assistant Surgeon(s)".

**SUB-HEAD(S) —**Question *re*—

Appointment of qualified clerks as — on the East Indian Railway. 1355.

Filling up of vacancies of — on the East Indian Railway. 1851.

**SUB-JAIL(S)—**

See "Jail(s)".

**SUBORDINATE(S)—**Question *re*—

Denial to railway — of Moradabad of the privilege of seeing officers at Calcutta. 796

Holding up of confirmations of — in the Government of India Secretariat and Attached Offices. 758-59.

Irregularities in charging salaries of the — on the East Indian Railway. 1752.

Promotion of — in the Engineering Department of the Great Indian Peninsula Railway. 338.

Promotion of — to Local Government service in an officiating capacity on all State Railways except on the Great Indian Peninsula Railway. 340.

Provision of facilities of accused — in departmental enquiries on the East Indian Railway. 1457-58.

Provision of facilities of accused — in departmental enquiries on the Eastern Bengal Railway. 1458.

Punishments given to the — of the Moradabad Division, East Indian Railway. 796.

Suspension of certain — of the Moradabad Division, East Indian Railway. 796.

**SUBORDINATE ACCOUNTS SERVICE—**Question *re* recruitment to the —. 375-76.**SUBORDINATE RAILWAY AUDIT SERVICE—**Question *re* examination for recruitment of Auditors in the — and clerks in the offices of the Chief Auditors and State Railways. 1014-16, 1612.**SUBORDINATE STAFF—**Question *re* rules for determination of seniority of the — on the East Indian Railway. 1457.**SUB-POST OFFICE(S)—**

See "Post Office(s)".

**SUB-POSTMASTER(S)—**

See "Postmaster(s)".

**SUB-REGISTRAR—**

Question *re* permanent clerks working in the —'s Office, Delhi. 941.

**SUBSCRIPTION(S)—**

Question *re* realisation of — of members of service organisations through the salary bills of the staff. 1372.

**SUGAR—**

Question *re*—

Agreement on the production of sugar reached in the World Economic Conference in London. 493.

Export of duty-paid foreign — from Karachi to Kashmir and Jammu States. 426.

Export of foreign — from Karachi to Persian Gulf Ports. 427.

Export of foreign — to Afghanistan and Duzdap. 427.

Import of — through Kathiawar Ports. 1464.

— and Industries Conference held at Simla. 550.

**SUHRAWARDY, SIR ABDULLA-AL-MAMUN—**

Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 780.

Expressions of regret on the deaths of Sir Zulfiqar Ali Khan and Khan Bahadur Sarfaraz Hussain Khan. 52-53, 54.

Hedjaz Pilgrims (*Muallims*) Bill—  
Motion to recommit to Select Committee. 1704.

Nomination of — to the Panel of Chairmen. 462.

Untouchability Abolition Bill—  
Motion to circulate. 997.

**SUICIDE—**

Question *re* — committed by a postal official of the Rajshahi division. 955.

**SUITS—**

Question *re* — instituted by Government for the declaration of their proprietary rights in respect of certain sites and bungalows in the Rawalpindi Cantonment. 1470  
71.

**SUKKUR—**

Question *re* Welfare clerk in the Railway Workshops at —. 1675.

**SULTAN AHMAD, MAULANA—**

Question *re* externment of — from Delhi. 495-97.

**SUMMER HILL—**

Question *re*—

Army Headquarters special train between — and Simla. 347-48, 349, 352, 1465-67, 1468.

Free railway passes allowed to Army Headquarters clerks living in private houses in —. 351.

Grant of house rent to clerks unwilling to occupy — quarters. 1469-70.

Passes for free conveyance of Army Headquarters clerks between — and Simla. 914-16.

Provision of a club for Indian clerks living in — quarters. 348-49, 1467.

Provision of facilities for free conveyance to the civilian clerks living in — quarters. 349-50, 1468-69, 1470.

Racial discrimination in the carriage of dogs by railway trains between — and Simla. 913-14, 922-23.

Refusal to allow Army Headquarters Indian clerks living in private houses to travel by the special train running between — and Simla. 918.

Renting of the long corrugated iron shed to the — Commandant. 750-51.

Running of a special train for civilian clerks between — and Simla. 351-52.

Sale of the surplus land at — called the football ground. 751-52.

Travelling of children of European clerks by the special train running between — and Simla. 918-19.

Travelling of unauthorised persons by the special train, running between — and Simla. 916-18.

**SUPAUL—**

Question *re* transfer of the — and Madhipura Sub-Divisions in the Bhagalpur District to Purnea District for income-tax purposes. 278.

**SUPERANNUATED MEN—**

Question *re* retirement of — from Government Service. 1839-40.

**SUPERANNUATION—**

Question *re*—

Persons getting extensions after reaching the age of superannuation in the Deputy Commissioner's Office, Delhi. 940-41.

Proposed raising of the Age of —. 535.



**SUPERANNUATION ALLOWANCES AND PENSIONS—**

Demand for Excess Grant. 1229.

**SUPERINTENDENT(S)—**

Question *re—*

Appointment of Hindu — in the Punjab Postal Circle. 1667.

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional —, Moradabad Division, East Indian Railway. 1460-61.

Issue of duty passes for his private servant by the — Railway School of Transportation, Chandausi. 1461-62.

Muslim — in the Government of India Secretariat and attached offices. 685.

Post of Office — Karachi Division, North Western Railway. 628-29.

Posting of Hindu — in the Punjab and North-West Frontier Postal Circle. 1683.

Ratio of the number of — to Assistants and clerks in the Government of India Office. 1680.

Retrenchment of Anglo-Indians by the —, Railway school of Transportation, Chandausi. 1480.

Suspension of a candidate from the Intermediate examination by the —, Ramjas College Centre, Delhi. 736-37.

Use of an officer's carriage for joy rides under orders of the Divisional —, Moradabad Division, East Indian Railway. 1462.

**SUPERINTENDENT OF ARCHÆOLOGY—**

Question *re* transfer of the Assistant —, Central India and Rajputana, to some other Circle. 1857.

**SUPERINTENDENT(S) OF POST OFFICES—**

Question *re—*

Allegations against the —, Rohtak Division. 1382-83.

Duties of the Head Clerk to a —. 1448.

See also "Post Office(s)".

**SUPERINTENDING FOREMAN(EN)—**

See "Foreman(en)".

**SUPERSESSION(S)—**

Question *re—*

— of Indian Assistant Station Masters by European and Anglo-Indian Guards on the East Indian Railway. 632-33.

— on the North Western Railway. 1288.

**SUPER-TAX—**

Question *re—*

Assessee to Income-tax and — and Assistant Commissioners engaged in appellate work in certain provinces. 934-35.

Income from income-tax and — from each Province. 1758-59.

Income-tax and — paid by the tea planters in Assam. 1757-58.

**SUPERVISOR(S)—**

Question *re—*

Assistant — of different communities appointed in the Currency Note Press, Nasik. 785.

Departmental action taken against the — retained or retrenched in the Currency Notes Press, Nasik. 785.

Memorials from Engineering —, Telegraphs. 1051-52.

— of Records of the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 377.

**SURCHARGE—**

Question *re* withdrawal of — on coal. 1043-44

**SURVEY—**

Question *re —* of the Karachi-Bombay proposed broad gauge line. 1667-68.

**SURVEY AND CONSTRUCTION—**

Question *re—*

Muslim draftsmen retrenched from the Office of the Chief Engineer, —, North Western Railway. 380.

Sindhi Hindus discharged from the Office of the Chief Engineer, —, North Western Railway. 380.

**SURVEY OF INDIA—**

Question *re—*

Competitive examination for filling up of vacancies in the — Department. 945.

Non-recruitment of retrenched hands of the — Department. 945.

Re-employment of retrenched personnel of the —. 613.

Retrenchment in the — Department. 942-45.

**SURVEY OF INDIA DEPARTMENT—**

Question *re—*

Increase in the proportion of Indian Officers in the —. 614.

Promotion and recruitment of officers in the —. 614.

Promotion of Officers in the —. 614.

Retrenchment in the —. 742-43, 1339.

Strength of officers in the —. 613.

**SUSPENSION(S)—**

**Question re—**

- and discharge of certain charge-men in the carriage and wagon shops, Moghalpura, North Western Railway. 946-47.
- of a candidate from the Intermediate examination by the Superintendent, Ramjas College Centre, Delhi. 736-37.
- of certain subordinates of the Moradabad Division, East Indian Railway. 796.
- of employees of the East Indian Railway, accused of an offence under the Indian Penal Code but released on bail. 1456.

**SWEEPER(S)—**

- Question re non-payment of the salaries of some — of the Municipal Committee, Ajmer. 378.

**SWEETS STALL—**

- Question re contract for Muslim — at Amritsar. 1099.

**SWORD(S)—**

**Question re—**

- Districts in the Punjab where people are allowed to keep —. 516.
- Restriction on the possession of —. 436-38.

**T**

**TABARRUKATS—**

- Question re exclusion from customs duty of — imported by Haj pilgrims. 622.

**TAGORE, DR. RABINDRA NATH—**

- Question re —'s message to the hunger-striking prisoners in the Andamans. 1601-02.

**TAKAVIS—**

- Question re reduction of land revenue and grant of — to agriculturists in Sind and Baluchistan. 795.

**TALIB MEHDI KHAN, MAJOR NAWAB MALIK—**

- Expressions of regret on the assassination of Mr. Burge, District Magistrate of Midnapore. 780.

- Expressions of regret on the death of—

Mr. B. N. Misra. 1863-64.

Mrs. Annie Besant. 1919.

**Indian "Khaddar" (Name Protection) Bill—**

- Motion to refer to Select Committee. 981-82.

- Motion for Adjournment re facilities given to Mahatma Gandhi in jail. 157-58, 159.

**Question re—**

- Indianisation in the Indian Army Ordnance Corps. 1610.

**TALIB MEHDI KHAN, MAJOR NAWAB MALIK—contd.**

**Question re—contd.**

- Promotion of Storemen in the Indian Army Ordnance Corps 1608-09, 1610-11.

- Storemen of the Indian Army Ordnance Corps. 1610.

- Resolution re proprietary rights of citizens in the land. 1144-45.

**TAMIL—**

- Question re alleged inhuman treatment meted out to — labourers in Sengorra District in Siam. 356-58.

**TANGANYIKA—**

**Question re—**

- Amelioration of the condition of Indians in the Lake Province in —. 1007-08.

- Demand for Closer Union of East Africa including — with Kenya. 1383-84.

- Discrimination against Asiatic staff in the — Railways. 1004-05.

**TARIFF BOARD—**

**Question re—**

- Appointment of Presidents and Members of the — from provinces other than Bombay. 927-30.
- Report of the — on glass industry. 1387-88.

**TAX(ES)—**

**Question re—**

- Amount received from the enhanced petrol — for road purposes. 1348-49.

- Utilisation of the two anna petrol —. 440-41.

**TEA CONTROL BILL—**

- See "Indian —" under "Bill(s)".

**TEA-PLANTERS—**

- Question re income-tax and super-tax paid by the — in Assam. 1757-58.

**TEACHER(S)—**

**Question re—**

- Construction of quarters for — of Bengal Nagpur Railway Schools. 1479.

- Issue of passes to the — of the East Indian Railway Indian High Schools. 530-31, 775.

- Position of — in Company-managed Railway Schools. 1478-79.

- Status of — of the East Indian Railway Indian Schools. 527-29, 773-75, 775-78, 891-93, 1253-54.

**TEACHING STAFF—**

- See "Staff".

# TECHNICAL APPRENTICES— See "Apprentice(s)".

## TEHRI ESTATE—

Question *re* transfer of the control of the Badrinath Temple to the Ruler of the —. 32, 1032-34.

## TELEGRAM(S)—

Question *re*—

Mr. Gandhi's — to the Private Secretary to His Excellency the Viceroy and replies thereto. 538-40.

Prosecution of certain officials of the Central Telegraph Office, Calcutta, for divulging the contents of — regarding races. 1365-66.

Reply of — enquiring about the health of political prisoners in the Cellular Jail, Andamans. 362-65.

## TELEGRAPH(S)—

Question *re*—

Memorials from Engineering Supervisors, —. 1051-52.

Non-recruitment of Muslim clerks in the office of Divisional Engineer, —, New Delhi. 955-56.

## TELEGRAPH DEPARTMENT—

Question *re*—

Examination for recruitment of new hands in the Wireless —. 524-26.

Indebtedness of gazetted officers in the —. 1368.

Non-grant of leave to the inferior servants of the —. 1371.

Retrenchments in the Telegraph Traffic and Telegraph Engineering Branches of the —. 953.

## TELEGRAPH EMPLOYEE(S)—

See "Employee(s)".

## TELEGRAPH ENGINEERING—

Question *re* alleged falsification of accounts by a clerk of the office of the Director, —, Eastern Circle. 1368-69.

## TELEGRAPH ENGINEERING BRANCHES—

Question *re* retrenchments in the Telegraph Traffic and — of the Telegraph Department. 953.

## TELEGRAPH ENGINEERING DIVISION—

Question *re* supersession of telephone operators in the Lahore —. 1689.

## TELEGRAPH MASTER(S)—

Question *re*—

Allegations against Khan Sahib Malik Karam Din, — Government Telegraph Office, Lahore. 1667.

Examinations for Baudot Supervisors and —. 952.

## TELEGRAPH OFFICE(S)—

Question *re*—

Allegations against Khan Sahib Malik Karam Din, Telegraph Master, Government — Lahore. 1667.

Allowance to the stenographers of the Central — and General Post Office, Madras. 1851-52.

Baudot Supervisors in —. 1686-87.

Prosecution of certain officials of the Central —, Calcutta, for divulging the contents of telegrams regarding races. 1365-66.

Selections of electrical supervisors for carrier current work in the Central —, Calcutta. 953.

## TELEGRAPH STAFF—

See "Staff". 1371-72.

## TELEGRAPH TRAFFIC BRANCHES—

Question *re* retrenchments in the — and Telegraph Engineering Branch of the Telegraph Department. 953.

## TELEGRAPHIST(S)—

Question *re*—

Duty system of — and Signal room clerks. 1367.

Postal recruited —. 1852.

## TELEPHONE(S)—

Question *re*—

Grant of pension to — operators. 1657-58.

Pay of train clerks, — clerks, etc., on the East Indian Railway. 632.

— connection of India with London, etc. 97-98.

## TELEPHONE OPERATORS—

See "Operator(s)".

## TELL BRAND—

Question *re* licence for — and Diana brand German air pistols in Bengal. 685.

## TEMPLE(S)—

Question *re* transfer of the control of the Badrinath — to the Ruler of the Tehri Estate. 32, 1032-34.

## TENDER(S)—

Question *re*—

Rejection by the Alipore Test House of a — sample of Messrs. Sett and Dass Company. 1040-42.

**TENDER(S)—contd.**

**Question re—contd.**

- called for by the Indian Stores Department for enamel navy green. 1052.
  - for catering on the Rohilkund and Kumaon Railway. 756.
  - for furniture supplied to the Military Finance Department. 1836-37.
  - for supply of furniture to the Zoological Survey of India. 1855.
- Statement (laid on the table) re the lowest — not accepted by the High Commissioner for India in purchasing stores. 287-89.

**TENDER SYSTEM—**

- Question re introduction of — for sale of country liquor in Delhi. 499-500.

**TENDERERS—**

- Question re collection of information re political outlook of military —. 893.

**TEN-RUPEE CURRENCY NOTE(S)—**

**Question re—**

- Issue of new ten-rupee and five-rupee currency notes. 1385.
  - New — and five-rupee currency notes. 1034-35.
- See also "Currency Note(s)".

**TEN-RUPEE NOTES—**

- Question re forged — in the Currency Note Press, Nasik. 784.

**TEST HOUSE—**

**Question re—**

- Rejection by the Alipore — of a tender sample of Messrs. Sett and Dass Company. 1040-42.
- Test of Red Seal Brand metal polish and silver polish by the Alipore —. 1039-40.
- Testing of samples of enamel navy green by the Government —, Alipore. 1053.

**TEXTILE INDUSTRY PROTECTION (SECOND AMENDMENT) BILL—**

See "Cotton —" under "Bill(s)".

**THAMPAN, MR. K. P.—**

Cotton Textile Industry Protection (Second Amendment) Bill—

- Motion for leave to introduce. 295.
- Motion to consider. 1061-64, 1077.
- Indian Medical Council Bill—
- Motion to consider. 1879-81, 1883.
- Indian Railways (Amendment) Bill—
- Motions to consider, to re-circulate and to recommit to Select Committee. 466-69.

**Question re—**

- Allegation against the Assistant Station Master, Simla. 922.

**THAMPAN, MR. K. P.—contd.**

**Question re—contd.**

- Article entitled "Monstrous" in the *Indian Railway Magazine*. 1115.
- Article in the *Indian Railway Gazette* against the Standing Finance Committee for Railways. 1831.
- Discharge of employees of the Madras and Southern Mahratta Railway. 1116-17.
- Discharge of Madras and Southern Mahratta Railway employees considered medically unfit for one class or group. 1115.
- Discharge of Mr. G. Krishnamurthi, General Secretary of the Madras and Southern Mahratta Railway Employees' Union. 1116.
- Dumping of Ceylon copra into India. 1047.
- Employment of States subjects under the Government of India. 1590-91.
- Grades of officers in the Madras Customs Preventive Staff. 1333.
- Increase of free luggage allowance on hill sections. 1114-15.
- Introduction of intermediate class accommodation on the South Indian Railway. 1114.
- Memorials from Engineering Supervisors, Telegraphs. 1051-52.
- New overtime rules for the Assistant Preventive Officers of the Madras Customs Office. 1333-34.
- Post of personnel officer on the Madras and Southern Mahratta Railway. 1116.
- Promotion to the rank of charge men at the Cordite Factory, Aravankadu. 1743-44.
- Proposed revision of the terms of the Ottawa Agreement. 1334-36.
- Provision of fans in third class carriages on Railways. 1114.
- Racial discrimination in charging fares from passengers by the North Western Railway staff. 922.
- Racial discrimination in the carriage of dogs by railway trains between Summer Hill and Simla. 922-23.
- Raising of a sterling loan in London by the Secretary of State for India. 1362-64.
- Reduction of freight rates on Indian Railways. 1115-16.
- Registration of the Cordite Factory Labour Union, Aravankadu. 1742-43.
- Report of the Pope Enquiry Committee. 1364-65.

**THAMPAN, MR. K. P.—*contd.***Question (Supplementary) *re*—

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1592, 1593, 1594, 1595.

Transfer of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 1034.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1488-97.

**THERAPEUTIC INSTITUTE—**Question *re* arrest and deportation of Mr. George Mraz who was running a German — in Delhi. 625.**THIRD CLASS—**Question *re*—

Provision of fans in — carriages on Railways. 1114.

Removal of Mr. Devidas Gandhi to Multan jail in a — compartment. 1659.

**THIRD INTERNATIONAL CONGRESS—**Question *re* — on Penal Laws held at Palermo. 549-50.**THROUGH BOGIE—**Question *re* running of a — between Lucknow and Bombay. 1828.**TIBBI—**Question *re* provision of facilities for — treatment on pilgrim ships. 622-23.**TICKET(S)—**Question *re*—

Circulation of a proposal for purchase of Derby Sweep — by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1460-61.

Formation of squads for — checking on the East Indian Railway. 1360.

Group system of — checking on the North Western Railway. 732.

Non-adoption of the Mody-Ward Scheme of — checking on the North Western Railway. 734.

Non-sale of monthly — at station booking offices on the Kalka-Simla Railway. 914.

Refusal by Messrs. Turner Morrison Company to issue concession — to poor pilgrims. 622.

Travelling without — on railway trains. 1353.

**TICKET CHECKING SCHEMES—**Question *re* — on the North Western Railway. 1110.**TICKET COLLECTOR(S)—**Question *re* appointment of certain — as Special Ticket Examiners in the Lahore Division of the North Western Railway. 513-14.**TICKET EXAMINER(S)—**Question *re*—

Abolition of the cadre of Travelling — on the North Western Railway. 731, 732.

Allowances of Travelling — on the North Western Railway. 734.

Appointment of certain Ticket Collectors as Special — in the Lahore Division of the North Western Railway. 513-14.

Cut in the consolidated allowance of Travelling — on the East Indian Railway. 1351-52.

Denial of certain concessions to Travelling — on the North Western Railway. 733.

Employment of two special squads of — on the East Indian Railway. 744.

Experimental check over the Travelling — work on the East Indian Railway. 497-98.

Organisation and control of the Travelling — on the North Western Railway. 729, 730-31, 732-33.

Pay of Travelling — on the East Indian Railway. 632.

Reduction of the grade of Head Special — at Ferozepore, North Western Railway. 1111.

Reduction of Travelling — on the North Western Railway. 733.

Special and Travelling — on the North Western Railway. 731.

Uniforms supplied to Travelling — on the East Indian Railway. 1480.

**TICKET FRAUD(S)—***See* "Fraud(s)".**TICKET INSPECTOR(S)—**Question *re*—

Consolidated allowance of Travelling — and their Divisional Inspectors on the East Indian Railway. 1030.

Grant of compensatory allowance to travelling — on the East Indian Railway. 1029-30.

**TIMARPUR—**Question *re*—

Condemnation of certain quarters in —, Delhi. 370-71.

Dangerous condition of — quarters, Delhi. 1854.

Enhancement of water tax in the — quarters, Delhi. 201.

**TIME-RECORDER MACHINE(S)—**  
See "Machine(s)".

**TIME-SCALE—**

Question *re* replacement of selection grade Town Inspectors of Post Offices at Calcutta, by — men. 1387.

**TIMING(S)—**

Question *re*—  
Change of — of the Army Headquarters special train or of office hours of Government offices in Simla. 1470.  
Revision of the — of the Grand Trunk Express between Madras and Delhi. 1829.

**TIPU SULTAN—**

Question *re* maintenance of the family of Hyder Ali and —. 2-4.

**TOTTENHAM, MR. G. R. F.—**

Cantonments (House Accommodation Amendment) Bill—  
Motion to consider. 1715-16.  
Motion to pass. 1716.  
Motion for Adjournment *re* Aerial bombardment on Kotkai in the Trans-Frontier. 867, 873-78, 879, 880, 882, 885.  
Resolution *re* admissions to the Military Academy. 1158, 1159-63.

**TOUR(S)—**

Question *re* — of officers of certain departments. 1762-63.

**TOWN INSPECTOR(S)—**

Question *re*—  
Differential treatment in sanctioning special pay for — and Accountants of Post Offices. 1027.  
Replacement of selection grade — of Post Offices at Calcutta by time-scale men. 1387.  
Retention in Calcutta of Babu Aswini Kumar Chowdhury, — of Post Offices. 1386-87.  
Special pay sanctioned for the — of Post Offices. 1026.

See also "Inspector(s)".

**TRACTION DEPARTMENT—**

Question *re*—

Cable repair work on the —, Great Indian Peninsula Railway. 1860.  
Great Indian Peninsula Railway —. 1858.  
Indianisation in the — of the Great Indian Peninsula Railway. 690.

**TRACTION DEPARTMENT—contd.**

Question *re*—contd.

Post of Superintending Foreman for the multiple units section of the — of the Great Indian Peninsula Railway. 690.  
Recruitment of a Foreman in England for the Distribution Section of the — of the Great Indian Peninsula Railway. 690.

**TRADE(S)—**

Question *re*—

Arrears in foreign sea-borne — statistics for Kathiawar Ports. 1463.  
Inclusion in the sea-borne — volume of statistics of imports through Kathiawar Ports. 1465.  
Participation of Indian shipping in the coastal and overseas — of India. 1265-67.  
Reservation of the Imperial coasting — to British ships. 1263-64.  
— carried on in New Delhi. 291.

**TRADE CONVENTION—**

Question *re*—

Expiry of the Indo-Japanese — of 1905. 747.  
Impending visit of a Japanese Delegation for negotiations for a —. 747-48.

**TRADE UNION(S)—**

Question *re*—

Discouragement of the formation of Muslim —. 607.  
Recognition of Muslim —. 607-08.

**TRAIN(S)—**

Question *re*—

Absence of a direct — between Delhi and Karachi. 106-09.  
Absence of a direct — between Delhi and Lucknow. 1105.  
Absence of a direct — between Lahore and Karachi *via* Dadu. 109.  
Army Headquarters special — between Summer Hill and Simla. 347-48, 349, 352, 1465-67, 1468.  
Change of timings of the Army Headquarters special — or of office hours of Government offices in Simla. 1470.  
Derailment of a passenger — near Dharampur. Kalka-Simla Railway. 550.  
Introduction of a faster — *via* Loop Line from Howrah to Delhi. 1854-55.  
Non-reservation of a compartment for ladies in the light — running between Bareilly Junction and Pilibhit on the Robilkund and Kumaon Railway. 1106.

**TRAIN(S)—contd.**Question *re*—*contd.*

Racial discrimination in the carriage of dogs by railway — between Summer Hill and Simla. 913-14, 922-23.

Refusal to allow Army Headquarters Indian clerks living in private houses to travel by the special — running between Summer Hill and Simla. 918.

Running of a special — for civilian clerks between Summer Hill and Simla. 351-52.

Running of dining cars for Indian passengers in mail and express — 768.

Running of mail — through Patna. 1256.

Running of special — between Barsui and Kishanganj on the Eastern Bengal Railway. 631.

Stoppage of express — at Khatauli, North Western Railway. 1282-83, 1376.

— running on the Grand Chord and main line of the East Indian Railway between Howrah and Moghal-sarai. 609-10.

Travelling of children of European clerks by the special — running between Summer Hill and Simla. 918-19.

Travelling of unauthorised persons by the special — running between Summer Hill and Simla. 916-18.

Travelling without tickets on railway —. 1353.

**TRAIN CLERKS—**

Question *re* pay of —, telephone clerks, etc., on the East Indian Railway. 632.

**TRAIN EXAMINER(S)—**Question *re*—

Appointment of apprentice — for the Operating Department. 1357.

Appointment of Lillooah apprentices as Electricians and —. 1359.

Appointment of Lillooah apprentices as —. 1358-59.

Stoppage of recruitment of apprentice — for the Operating Department, East Indian Railway. 564.

**TRAINING—**

Question *re* — of Marine Engineers in India. 1267-68.

**TRAINING MANUAL—**

Question *re* printing of the Army Department — in private Presses. 1845-46.

**TRAM-SHED—**

Question *re* alleged assault on the people at the Esplanade — in Calcutta. 114-16.

**TRANS-CONTINENTAL AIR SERVICE—**

See "Air Service(s)".

**TRANSFER(S)—**Question *re*—

Application for — from the Rajahmundry Jail of State Prisoners Messrs. Surendra Mohan Ghosh and Jivan Lal Chatterjee. 517-18.

Applications received from assesseees in Sind for — of their assessment. 1450-51.

Difficulties of the staff of the Central Publication Branch due to its — to Delhi. 368-69.

Non-grant of advance increments to the staff of the Central Publication Branch on their — to Delhi. 367-68.

Petition for the transfer of Mr. Mahendra Nath Roy from the Deoli Detention Camp to Calcutta. 921.

Proposed — of one Sudhansu Ranjan Sen, a political prisoner, to the Andamans. 1831-32.

Proposed — of the seat of the High Court from Allahabad to Lucknow. 1255.

Rumoured — of a part of Kenya to Italy. 105.

Salaries of East Indian Railway employees on the — of that Railway from Company-management. 1611.

— from and to non-family and unhealthy stations in the trans-frontier in the Punjab and North-West Frontier Postal Circle. 1664.

— in the interest of service in the Posts and Telegraphs Department. 1663.

— of certain men of the commercial staff employed in the Quetta Division on the North Western Railway. 796.

— of Inspectors and Postmasters in the Punjab and North-West Frontier Postal Circle. 1662-63.

— of State Prisoner Mr. Rasik Lal Das to some other jail. 1606.

— of the Assistant Superintendent of Archaeology, Central India and Rajputana, to some other Circle. 1857.

— of the control of the Badrinath Temple to the Ruler of the Tehri Estate. 1032-34.

**TRANS-FRONTIER—**

Motion for Adjournment *re* aerial bombardment of Kotkai in the —. 551-55, 780-83, 865-89.

**TRANSLATION—**

Question *re* — of the form of notice of demand of Income tax in Sindhi. 259.

**TRANSPORTATION—**

Question *re*—  
Retrenchment of Anglo-Indians by the Superintendent, Railway School of —, Chandausi. 1480.  
— of political prisoners to the Andamans. 110-12.

**TRANSPORTATION INSPECTOR(S), COMMERCIAL—**

Question *re* surrender of the post of — on the East Indian Railway. 1753.

**TRANSPORTATION SERVICES—**

Question *re* rules of examination for recruitment to the superior commercial and —. 1676.

**TRANSPORTATION (TRAFFIC) BRANCH—**

Question *re* promotions of officers of the — and Commercial Branch of the North Western Railway. 950.

**TRANSVAAL—**

Question *re*—  
Bodies in — representing the Indian interests. 450.  
Resolutions passed by the Provincial Conference of the — Indian Congress held at Johannesburg. 449-50.

**TRAVELLING—**

Question *re* proposal to check illicit — by use of *lathis* on the East Indian Railway. 499.

**TRAVELLING ALLOWANCE—**

See "Allowance(s)".

**TRAVELLING PUBLIC—**

Question *re* representation of the — at the Rail-Road Conference held at Simla. 1019-21.  
Resolution *re* grievances of the — on the Assam Bengal Railway. 1164-69.

**TRAVELLING TICKET EXAMINER(S)—**

Question *re* pay of — on the East Indian Railway. 632.  
See also "Ticket Examiner(s)".

**TRAVELLING TICKET INSPECTOR(S)—**

Question *re* discharge of certain peons attached to — Section on the East Indian Railway. 1354.  
See also "Ticket Inspector(s)".

**TREASURY BILL(S)—**

Question *re* sale of — 550-51.

**TRIBAL AREA—**

Question *re*—  
Air bombardment on the — of the North-West Frontier. 679-84.  
Bombing of — on the North-West Frontier. 769.

**TRIBE(S)—**

Question *re* bombardment of certain villages of independent — on the North-West Frontier by British aeroplanes. 738.

**TRIBUNAL—**

Question *re* decisions of the — on Capitation Charges. 617.

**TRICHINOPOLY—**

Question *re* provision of electric fans for State Prisoners and detenus in the — jail. 896.

**TROOP(S)—**

Question *re* — from British India sent to Alwar. 686.

**TROTSKY—**

Question *re* prohibition of the importation into India of —'s History of the Russian Revolution. 95.

**TROUBLE(S)—**

Question *re* — at the North-West Frontier of India. 629.

**TRUSTEE SECURITIES—**

Question *re* declaration of debentures of the Central Land Mortgage Bank of Madras as —. 618.

**TURNER MORRISON COMPANY, MESSRS.—**

Question *re* refusal by — to issue concession tickets to poor pilgrims. 622.

**U**

**UMBRELLAS—**

Question *re* supply of — to the outdoor postal staff. 543.

**UNAO—**

Question *re* level crossing on either side of the Railway station at —. 464-65.

**UNAUTHORISED PERSONS—**

Question *re* travelling of — by the special train running between Summer Hill and Simla. 916-18.



**UNEMPLOYMENT—**

Question *re* — in India. 608-09.

**UNFAIR TREATMENT—**

Question *re* alleged — of the Railway Officers towards Muslim employees. 1096-98.

**UNIFORM(S)—**

Question *re*—  
— supplied to the Assistant Station Masters on the East Indian Railway. 633.  
— supplied to Travelling Ticket Examiners on the East Indian Railway. 1480.

**UNION(S)—**

Question *re*—  
Demand for closer — of East Africa including Tanganyika with Kenya. 1383-84.  
Discharge of Mr. G. Krishnamurthi, General Secretary of the Madras and Southern Mahratta Railway Employees' —. 1116.  
Discouragement of the formation of Muslim Trade —. 607.  
Office bearers of Postal —. 1448-49.  
Postal — in East Africa. 1005-06.  
Recognition of Muslim Trade —. 607-08.  
Registration of the Cordite Factory Labour —, Aravankadu. 1742-43.  
Service —, Associations, etc., recognised by Government. 1047-51.  
— recognised by the principal Railway Administrations. 564.

**UNITED PROVINCES—**

Question *re*—  
Appeals pending before each Assistant Income-tax Commissioner in the —. 493-95.  
Communal composition of the gazetted staff in the — Postal Circle. 656-58.  
Communal composition of the non-gazetted staff in the — Postal Circle. 677-78.  
Extensions given to the Commissioner and Assistant Commissioner of Income-tax in the — and the Punjab, respectively. 1375-76.  
Inadequate appointments of Muslims as temporary assistant Income-tax Officers in the —. 90-91.  
Muslim gazetted officers in the — Postal Circle. 1821.  
Retrenchment in the — Postal Circle. 1028-29, 1372-73.

**UNITED STATES OF AMERICA—**

Question *re*—  
Calling of Indians as Hindus in the —. 457-58.

**UNITED STATES OF AMERICA—  
contd.**

Question *re*—*contd.*

Murder of one Sardar Sher Singh in California. —. 360, 456-57.  
Payment of War Debt by England to the — with silver acquired from India. 266.  
Reports of Mr. I. M. Pekham, — Attorney, about the *Ghadar* party magazine. 457.

**UNIVERSITY(IES)—**

Question *re*—  
Difficulties experienced by Indian students in the — in Great Britain. 556-57.  
Entry of some soldiers of the Dorsetshire Regiment into the Dacca — Central building with fixed bayonets. 787.  
Falling off in the number of students in the Benares and Aligarh —. 624.

**UNTOUCHABILITY ABOLITION  
BILL—**

See "Bill(s)".

**UPPER DIVISION—**

Question *re*—  
Soldiers holding — appointments in the Army Headquarters. 1449-50.  
Unqualified persons promoted to — in the Army Headquarters. 1450.

**UPPI SAHEB BAHADUR, MR.—**

Hedjaz Pilgrims (*Muallims*) Bill—  
Motion to recommit to Select Committee. 1655-56.  
Motion for Adjournment *re* aerial bombardment on Kotkai in the Trans-Frontier. 888-89.

Question *re*—

Clerks employed on work connected with hours of employment regulations on the North Western Railway. 1674-75.  
Indents placed by the Great Indian Peninsula Railway with the Indian Stores Deptt. 202-207.  
Modification of recruitment rules of the Government of India Secretariat staff. 1750-51.  
Non-posting of unqualified guards as Assistant Station Masters on Indian Railways. 1675-76.  
Protectors of Haj Pilgrims at Karachi. 464.  
Rules of examination for recruitment to the superior commercial and transportation services. 1676.  
Sindhi and Non-Sindhi clerks in the late construction office, North Western Railway. 1675.  
Welfare clerk in the Railway Workshops at Sukkur. 1675.

**UPPI SAHEB BAHADUR, MR.—**  
*contd.*

Question (Supplementary) *re*—  
Confidential report submitted by the  
Haj Enquiry Committee. 739.  
Indianisation of the Central Cypher  
Bureau of the Foreign and Political  
Department. 1842.

**V**

**VACANCY(IES)—**

Question *re*—  
Competitive examination for filling  
up of — in the Survey of India  
Department. 945.  
Filling up of — in the Imperial  
Council of Agricultural Research.  
1760.  
Filling up of — of Sub-Heads on  
the East Indian Railway. 1851.  
Permanent — in certain departments  
of the Great Indian Peninsula  
Railway. 339-40.  
— in the gazetted rank in the Rail-  
way Services. 1259-60.  
— of postmen, etc., in the Sahavan-  
pur and Dehra Dun Head Post  
Offices and their Sub-Offices.  
1665.

**VACCINATION—**

Question *re* insulting treatment meted  
out to deck passengers at the  
time of their — at Rangoon.  
186-90.

**VAISHAMPAYAN, MR. V. G —**

Question *re*—  
Case of — and Mr. Potdar, accused  
in the Delhi conspiracy case.  
1377-78.  
Grant of an allowance to — a State  
Prisoner. 1378.

**VARMA COMMITTEE—**

Question *re* report of the —. 1367.

**VAZIR MUHAMMAD, KHAN  
BAHADUR SHAIKH YAKUB—**  
Oath of Office. 1.

**VEGETABLES—**

Question *re* increase in the import of  
fruits and — from foreign  
countries. 1117-19.

**VICE-PRESIDENT—**

Question *re* rights and duties of the  
— of a Cantonment Board. 499.

**VICEREGAL LODGE—**

Question *re* alleged embezzlements by  
the Building Supervisor of the  
—, New Delhi. 505.

**VICEREGAL STAFF—**

Question *re* communal composition of  
the —. 505-06.

**VICEROY, HIS EXCELLENCY  
THE—**

Address by — to the Members of  
the Council of State and the  
Legislative Assembly. 417-25.

Question *re* Mr. Gandhi's telegram to  
the Private Secretary to — and  
replies thereto. 538-40.

**VICTORIA PARK—**

Question *re* closing to the public of  
the — in Queen's Garden, Delhi.  
464.

**VILLAGE(S)—**

Question *re*—  
Bombardment of certain — of inde-  
pendent tribes on the North-West  
Frontier by British aeroplanes.  
738.  
Construction of a road from Delhi  
to — Basti Chiragh. 557.  
State Prisoners interned in — and  
detenus in the Deoli Detention  
Camp. 897.

**W**

**WAGES—**

Question *re* recruitment of staff on  
daily — basis in the Central Pub-  
lication Branch. 897-99.

**WAGON(S)—**

Question *re* paints used by the Eastern  
Bengal Railway for painting their  
—. 1052.

**WAITING LIST—**

Question *re* — of retrenched person-  
nel in Railway Board's Office.  
1046.

**WAJHUDDIN, KHAN BAHADUR  
HAJI—**

Hedjaz Pilgrims (*Muallims*) Bill—  
Motion to recommit to Select Com-  
mittee. 1702.

Indian Railways (Amendment) Bill—  
Motions to consider, to re-circulate  
and to recommit to Select Com-  
mittee. 324-25.

Question *re*—

Buildings in the Ambala Cantonment.  
795.

Competitive examination for filling  
up of vacancies in the Survey of  
India Department. 945.

Consolidated allowance of Travelling  
Ticket Inspectors and their Divi-  
sional Inspectors on the East In-  
dian Railway. 1030.

**WAJHUDDIN, KHAN BAHADUR  
HAJI—contd.****Question re—contd.**

Contemplated laying out of a new road in Secunderabad. 687-88.

Contingent allowance sanctioned for certain postal officials. 1025-26.

Differential treatment in sanctioning special pay for Town Inspectors and Accountants of Post Offices. 1027.

Examination papers of the Post Office Accountants. 1028.

Experimental check over the Travelling Ticket Examiners' work on the East Indian Railway. 497-98.

Grant of compensatory allowance to Travelling Ticket Inspectors on the East Indian Railway. 1029-30.

Non-recruitment of retrenched hands of the Survey of India Department. 945.

Proposal to check illicit travelling by use of *luthis* on the East Indian Railway. 499.

Proposed demolition of certain houses in the Secunderabad Cantonment. 686-87.

Retirement of officials having thirty years' service in Postal Circle offices. 1029.

Retrenchment in the Survey of India Department. 942-45.

Retrenchment in the United Provinces Postal Circle. 1028-29.

Revision of the scale of pay of Accountants attached to certain Post Offices. 1027-28.

Special pay sanctioned for Post Office Accountants. 1026.

Special pay sanctioned for the Town Inspectors of Post Offices. 1026.

**WALKER HOSPITAL—**

Question re non-admission of Indians in the — and Portmore Hospital in Simla. 356.

**WALL—**

Question re proposed demolition of a portion of the — which separates Old Delhi from New Delhi. 543-44.

**WAR—****Question re—**

Committee on the Great — Pensions. 599-600.

Leave and pension of military employees invalidated during the Great —. 770-73.

Non-recognition of services rendered during the Great — on the East Indian Railway. 690-91.

Pension of certain military men increased by re-employment during the Great —. 787-88.

**WAR DEBT—****Question re—**

Silver bars left in stock with the Government of India after payment of the same to America as —. 611.

Silver transaction with England for payment of — to America. 623. See also "Debt(s)".

**WARD-KEEPERS—**

Question re appointment of Lilloah ex-apprentices as —, etc., on the East Indian Railway. 380.

**WASTE PAPER—****Question re—**

Cost of production of publications sold as — on the transfer of the Central Publication Branch to Delhi. 900.

Disposal of certain publications as — on the eve of the transfer of the Central Publication Branch to Delhi. 430-33.

Sale of — in the East Indian Railway Press. 1342.

**WATER—**

Question re free supply of — to the Lahore Cantonment Board for watering roads. 511.

**WATER-MARKED CURRENCY NOTES—**

See "Note(s)".

**WATER SUPPLY—**

Question re failure of — at the Kurukshetra station after the solar eclipse. 1257-58.

**WATER TAX—**

Question re enhancement of — in the Timarpur quarters, Delhi. 201.

**WAY INSPECTORS—**

Question re memorial submitted by Assistant —, North Western Railway, for modification in their condition of service. 1013-14.

**WELDING DEPARTMENT—**

Question re communal composition of apprentices nominated to the — Jamalpur Railway Workshop. 544.

**WELFARE SCHEME(S)—****Question re—**

— on the East Indian and Eastern Bengal Railways. 1455-56.

— on the East Indian Railway. 1753.

**WELLINGTON FARM—**

Question re selling price of milk and cream at the —. 604-05.

**WESTERN COMMAND—**

**Question re—**

Officers and clerks in the Military Engineering Service, —, Quetta. 686.

Representation of Muslims in the clerical staff of the Military Engineering Service, —, Quetta. 686.

**WHEAT CONFERENCE—**

See "Conference".

**WHEAT IMPORT DUTY (EXTENDING) BILL—**

See "Bill(s)".

**WHITE PAPER—**

Question re inquiry under certain paragraphs of the proposals in the —. 1672.

**WHITE SETTLERS—**

**Question re—**

Agitation of the — in Kenya against income-tax. 1007.

Demand of — for the control of finances of the Kenya Government. 1383.

Demand of — for the control over the finances of Kenya. 1008.

**WIDOWS' RIGHT OF MAINTENANCE BILL—**

See "Hindu —" under "Bill(s)".

**WILAYATULLAH, KHAN BAHADUR H. M.—**

**Question re—**

Abolition of the Office of the Accountant-General, Posts and Telegraphs. 200.

Accountants in the Posts and Telegraphs Account and Audit Offices. 200.

Appointment of the Assistant in charge of the administration branch in the Office of the Deputy Accountant-General, Posts and Telegraphs, Delhi. 201.

Constitution of the office of the Accountant General, Posts and Telegraphs. 200.

Representation of minority communities in the Offices of the Accountant-General, Posts and Telegraphs. 200.

Strength of the non-gazetted staff in the Office of the Accountant General, Posts and Telegraphs. 200.

**WIRELESS TELEGRAPH DEPARTMENT—**

Question re examination for recruitment of new hands in the —. 524-26.

**WIRELESS TELEGRAPHY BILL—**

See "Indian —" under "Bill(s)".

**WITNESS(ES)—**

**Question re—**

Amount paid to each — invited to give evidence before the Joint Parliamentary Committee. 748-50.

Amount paid to — for going to London for giving evidence before the Joint Parliamentary Committee. 342-43.

**WORKER(S)—**

**Question re—**

Article in the *Bombay Chronicle* under the heading "Great Indian Peninsula Railway and —. 1612.

Release of — of the Jaimat-ul-Ulema-i-Hind, Delhi. 1659.

**WORKING COMMITTEE(S)—**

Question re release of members of the — of the Jamiat-ul-Ulema-i-Hind. 1350.

**WORKING EXPENSES—ADMINISTRATION (RAILWAYS)—**

Demand for Excess Grant. 1230.

**WORKMEN'S COMPENSATION (AMENDMENT) BILL—**

See "Bill(s)".

**WORKSHOP(S)—**

**Question re—**

Appointment of *ex*-apprentices of the Lillooah —. 381.

Appointment of trained *ex*-apprentices in the East Indian Railway — Lillooah. 564.

Communal composition of apprentices nominated to the Welding Department, Jamalpur Railway —. 544.

Employment officer at the Jamalpur —. 19.

Mechanical *ex*-apprentices of the East Indian Railway — Lillooah. 560.

Overlooking of claims of trained Indians in the Jamalpur — East Indian Railway. 545.

Racial discrimination in the Jamalpur — East Indian Railway. 544, 545.

Selection of Journeymen for the North Western Railway —. Mughalpara. 734-35.

Technical apprentices in the Calcutta Port Trust —. 1022.

Welfare clerk in the Railway — at Sukkur. 1675.

**WORLD ECONOMIC CONFERENCE—**

**Question re—**

Agreement on the production of sugar reached in the — in London. 493.

Proceedings of the Sub-Committee of the — dealing with shipping subsidies. 1251.

See also "Conference(s)".

## Y

## YARKAND—

Question *re* disturbances in Kashgar and —. 94.

## YARN—

Question *re* import of cotton textile and —, etc., through Kathiawar Ports. 1464.

## Z

## ZENANA GHAT—

Question *re* amount spent on the Queen Mary — Pushkar. 378-79.

## ZIAUDDIN AHMAD, DR.—

Consideration of the Report of the Public Accounts Committee. 1909, 1914-15, 1920-25, 1927.

Demand for Excess Grant in respect of "Railway Board". 1230.

Demand for Supplementary Grant in respect of—

Civil Aviation. 1904-05.

"New Capital Works at Delhi". 1236.

## Factories Bill—

Motion to refer to Select Committee. 1636-38, 1641, 1645, 1646.

Hedjaz Pilgrims (*Muallims*) Bill—

Motion to recommend to Select Committee. 1708-09.

## Imperial Bank of India (Amendment) Bill—

Motion to refer to Joint Committee. 1541, 1552-54, 1555.

## Indian Medical Council Bill—

Motion to consider. 1869-73, 1880, 1881,

Consideration of—

Clause 16. 1883, 1884.

Clause 17. 1884.

## Indian States (Protection) Bill—

Motions to refer to Select Committee and to circulate. 1086, 1089, 1183, 1184, 1189, 1191.

## Indian Tea Control Bill—

Motion to refer to Select Committee. 1621-22, 1625.

Motion *re* future administration of Aden. 1723-27, 1733, 1737, 1773, 1784, 1806, 1807.

## Murshidabad Estate Administration Bill—

Motion to pass. 1583-84.

Question *re*—

Expenditure on Inspectorate in the Administered Areas in Central India. 556.

Possession of a diploma or certificate in the Hindi language by the Superintendent of Education, Delhi. 555.

ZIAUDDIN AHMAD, DR.—*contd.*Question *re*—*contd.*

Qualifications possessed by the Superintendent of Education, Delhi, in the Gujrati and Marathi languages. 555.

Representations made by Dr. Bhup Singh and Mr. Satish Pakrashi prisoners in the Andamans. 1600.

Question (Supplementary) *re*—

Abolition of the Empire Marketing Board. 1826-27.

Allegations against the police in Calcutta and Bombay. 1742.

Alleged attack on Mahatma Gandhi by the *Daily Gazette* of Karachi. 1274.

Alleged unfair treatment of the Railway Officers towards Muslim employees. 1096-97.

Circulation of a proposal for purchase of Derby Sweep tickets by the Divisional Superintendent, Moradabad Division, East Indian Railway. 1460.

Consolidated allowances paid on the East Indian Railway. 1353.

Employment of States subjects under the Government of India. 1591.

Enforcement of the Punjab Primary Education Act in Delhi. 1348.

Fixation of the date and time for different Standing Committees. 1261.

Gold and silver held in the Currency Department. 1350.

Governing bodies of the East Indian Railway Schools for Indians. 1255.

Import of "edible oil" into India from Japan. 1745-46.

Indianisation of the Central Cypher Bureau of the Foreign and Political Department. 1595.

International Postal Conference to be held at Cairo. 1447-48.

Irregularities in charging salaries of the subordinates on the East Indian Railway. 1752.

Participation of Indian shipping in the coastal and overseas trade of India. 1266.

Permission to prisoners in the Andamans to have money in Jailor's custody for personal expenditure. 1598, 1599.

Procession on the *Ekdasi* Day in Shahdara, Delhi. 1459.

Proposed revision of the terms of the Ottawa Agreement. 1335, 1336.

Protection of the private dairy industry from the unfair competition of military dairies. 1276.

Protection to the Indian shipping companies. 1264, 1265.

**ZIAUDDIN AHMAD, DR.—*contd.***

Question (Supplementary) *re—concl'd.*

Public Service Commission examination for recruitment of clerks for the Government of India. 1834.

Raising of a sterling loan in London by the Secretary of State for India. 1364.

Training of Marine Engineers in India. 1268.

Vacancies in the gazetted rank in the Railway Services. 1260.

Reserve Bank of India Bill—

Motions to refer to Joint Committee and to circulate. 1313, 1319-30.

Resolution *re* Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment. 1893.

**ZOOLOGICAL SURVEY OF INDIA—**

Question *re—*

Representation of minority communities in the —. 1747-48.

Tenders for supply of furniture to the —. 1855.

**ZULFIQAR ALI KHAN, SIR—**

Expressions of regret on the deaths of — and Khan Bahadur Sarfaraz Hussain Khan. 50-55.

Question *re* check of the work in connection with the issue of passes on the North Western Railway. 688.













